

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

**DISABILITY ISSUES IN THE 2025 LEGISLATURE**  
**STATUS REPORT #5**  
February 24, 2025

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*Past issues of the Legislative Status Report can be found at [drnm.org](http://drnm.org).  
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*Abbreviations used in this report: See page 13, below*

**Mark your calendar:**

Wednesday, Feb. 26 – Behavioral Health Day

Friday, Feb. 28 – Speech/Language/Hearing Association Day

**Committee hearings this week:**

Monday, Feb 24 – *HHHC: HB 399 Nursing home rate increases*

*HJC: HB 339 Human Rights Act amendments*

*SEC: SB 386 Chiropractors clearing athletes with brain injury*

*SHPAC: SB 103 PCS data reporting (tentative)*

Wednesday, Feb. 26 – *HEC: HB 375 BH scholarships*

**State budget proposal released.** The House Appropriations and Finance Committee (HAFC) has completed work on its proposal for the state budget for the coming fiscal year. Approved Friday on a 16-1 vote, the \$10.8 billion budget bill (HB 2) would increase recurring state spending by \$595 million (5.8%). State employees would see 4% pay raises. State support of public schools would go up by 6.3%, and salaries for all school personnel would also go up by 4%. The impact on agencies serving persons with disabilities is detailed in the State Budget section below.

HB 2 also includes \$1.37 billion in one-time spending (“special appropriations”). Many of these projects are intended to expand and improve the capacity to provide behavioral health services, including:

- \$110 million to DFA to increase the capacity of housing providers to offer transitional housing, facilitate behavioral health services and reduce homelessness; \$80 million of that is currently earmarked for Bernalillo County and \$10 million for Dona Ana County.
- \$28 million to HCA for grants to local governments to establish behavioral health clinics and other behavioral health facilities.
- \$11.5 million to HCA for grants to support mobile crisis services and similar response services.

So far, there is no funding for the behavioral health trust fund established by SB 1. Once the House approves this version of HB 2 and passes it over to the Senate (which is expected to happen today or Tuesday), it’s likely that some money will be set aside for that fund.



**Behavioral health and crime bills pass Legislature.** Two of the three bills in the behavioral health package (SB 1 that creates a BH Trust Fund and SB 3 that sets up a statewide regional-based planning process) and the “crime package” (HB 8) that includes changes to the criminal competency statutes have passed both the House and the Senate and are on their way to the governor for her signature or veto. (The final piece of the behavioral health package, SB 2, provided appropriations, which are instead incorporated into the budget bill, HB 2.) This comes close to the promise by legislative leadership to pass such bills and send them to the governor within the first 30 days of the session. While measures to promote meaningful planning and funding to bolster New Mexico’s BH system, twelve years after it was largely dismantled by the administration of then-governor Susana Martinez, are welcome, the effort is tainted by legislators’ focus on BH as a public safety issue rather than a healthcare issue, and the stigmatization of people with mental illness as central to the state’s crime problems, although people with mental illness are more likely to be victims than perpetrators of crime. In addition, the rush to pass the crime package means that even legislative leadership acknowledges that it’s incomplete and that further actions will be taken as the session continues.

**Prominent legislator receives death threat.** Sen. Joseph Cervantes, who chairs the Senate Judiciary Committee, rose on the Senate floor last week to say that he had received threats spurred by a post by Senate Republicans on X (formerly Twitter) criticizing his stance on a gun bill. Senate minority leader Bill Sharer condemned calls for violence but defended the post opposing the bill. Unfortunately, it seems that the violent political discourse that has become fashionable at the national level has come to New Mexico.

### **Bills and Memorials Introduced 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. Memorials can be introduced at any time, but the deadline for introducing most bills is the half-way point of the session, which was last Thursday, so few additional bills are expected.

#### State budget

**HB 2** General Appropriation Act. Rep. Nathan Small. This is the state budget bill that establishes on-going funding levels for all state agencies, which are now set at a total of \$10.8 billion. Since the state will have far more income than that, HB 2 also authorizes expenditures for numerous projects or services of limited duration through “special” appropriations (about \$1.4 billion) and the Government Results and Opportunity (GRO) fund<sup>1</sup> (\$274 million), and transfers of “surplus” money into new or existing investment funds (\$1.4 billion).

In the section below we highlight the decisions the HAFC made about funding levels for state agencies serving persons with disabilities. We review the proposals made by the governor, the recommendations of the LFC, the amount approved by HAFC, and any special appropriations or GRO allocations relevant to each agency. For most of these agencies the HAFC adopted the LFC recommendations. Once the bill is passed by the House and sent to the Senate, the Senate Finance Committee will review and amend it, so the amounts noted below may change before final passage.

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<sup>1</sup> The 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.

## **Health Care Authority (HCA)**

- For Medicaid and Behavioral Health Medicaid:
  - Governor’s proposal – SGF increase \$136.3 million, total spending \$12.6 billion
  - LFC recommendation – SGF increase \$30 million, total spending \$12.25 billion
  - HAFC – SGF increase \$9.22 million, total spending \$12.227 billion. *Total spending for these programs would increase by over 24%, but state general fund expenses would go up less than 1% because nearly \$200 million used to match the large federal share of total expenses would come from other funding sources, including the county-supported Medicaid fund, the safety net care pool, the early childhood fund and the health care facility fund.*
- The bill contains nearly \$100 million in special appropriations to the HCA to support behavioral health services such as 24-hour crisis facilities, mobile crisis response services, homeless outreach, clinics and acute care facilities, assisted outpatient treatment, medication-assisted treatment, diversion and other interventions.
- For Developmental Disabilities:
  - Governor’s proposal – SGF increase \$60 million, including \$28 million for provider rate increases
  - LFC recommendation – SGF increase \$45.65 million, including \$28 million for rate increases
  - HAFC – SGF increase \$53.2 million, including \$26.2 million for rate increases.
- For the Behavioral Health Services Division:
  - Governor’s proposal – SGF increase \$466,000 (1%); total spending \$91.9 million (down 6.2%)
  - LFC recommendation – No SGF increase; total spending \$105.9 million (up 8%)
  - HAFC – Same as LFC

## **Public Education Department (PED) and public school support**

- The “State Equalization Guarantee” is the total state funding that supports public education services statewide, including special education, through a complex formula.
  - Governor’s proposal – SGF increase \$202 million; total spending \$4.373 billion (up 4.8%)
  - LFC recommendation – SGF increase \$251 million; total spending \$4.421 billion (up 6%)
  - LESC recommendation – SGF increase \$334 million; total spending \$4.504 billion (up 8%)
  - HAFC – SGF increase \$262 million; total spending \$4.433 billion (up 6.3%)
- For the PED:
  - Governor’s proposal – Add 15 staff positions in support of special education; \$3 million
  - LFC recommendation – Add 5 positions with \$800,000 and use federal money as needed
  - LESC recommendation – Same as the governor
  - HAFC – Same as the LFC
- Consistent with recommendations from the governor and the LFC, HB 2 includes \$4 million in one-time funding for various special education initiatives. Another \$12 million is dedicated to a statewide student information system that is expected to include implementation of a standard individual education plan (IEP) format. 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:
  - Governor’s proposal – SGF increase \$451,000 (7.3%); total spending \$35.12 million (up 15.2%)
  - LFC recommendation – SGF increase \$200,000; total spending \$34.87 million (up 14.3%)
  - HAFC – Same as LFC

- For Independent Living:
  - Governor’s proposal – No SGF increase; total spending \$2.09 million (up 29.5%)
  - LFC recommendation – No SGF increase; total spending \$2.09 million (up 29.5%)
  - HAFC – Same as governor and LFC. *All these assume an increase of 50% in federal support.*

**Commission for Deaf and Hard of Hearing**

- Governor’s proposal – SGF increase \$266,000 (15.9%); total spending \$3.48 million (up 6.1%)
  - LFC recommendation – SGF increase \$213,000 (12.7%); total spending \$3.48 million (up 6.1%)
  - HAFC – Same as LFC
- The agency would also receive a special appropriation of \$100,000 to conduct an audit of the income from telephone surcharges and another \$132,000 for technical equipment.

**Commission for the Blind**

- Governor’s proposal – SGF increase \$379,000 (13.6%); total spending \$19.85 million (up 10%)
- LFC recommendation – SGF increase \$100,000 (3.6%); total spending \$19.57 million (up 8.4%)
- HAFC – Same as LFC

**Governor’s Commission on Disability**

- Governor’s proposal – SGF increase \$107,000 (6.9%); total spending \$2.4 million (up 4.4%)
- LFC recommendation – No SGF increase; total spending \$2.32 million (down 0.2%)
- HAFC – Same as LFC

**Developmental Disabilities Council**

- For the Office of Guardianship:
  - Governor’s proposal – SGF increase \$1.084 million (13.6%); total spending \$9.59 million (up 12.7%)
  - LFC recommendation – SGF increase \$552,000 (6.6%); total spending \$9.03 million (up 6.1%)
  - HAFC – Same as LFC

There is also a special appropriation of \$650,000 in the coming year and \$300,000 in supplemental funding for the *current* year to reduce the waitlist for guardianship services.
- For the Office of the Special Education Ombud, Center for Self-Advocacy and other DDC programs:
  - Governor’s proposal – SGF increase \$313,000 (22.3%); total spending \$2.4 million (up 16.3%)
  - LFC recommendation – SGF increase \$85,000 (6.1%); total spending \$2.17 million (up 5.2%)
  - HAFC – Same as LFC

A special appropriation of \$229,000 is provided to establish a supported decision-making program at the DDC, contingent on passage of HB 149. An additional \$60,000 is provided for the Marilyn Martinez program promoting jobs in state agencies for persons with disabilities. There is no new funding for expansion of the Special Education Ombud program.

Behavioral Health

**HB 4** Criminal competency and treatment. Rep. Christine Chandler. This bill has been incorporated into the new HB 8, below, which is now considered the “crime package” in the House. HB 4 will not go any further.

**HB 8** Crime package. Rep. Christine Chandler. This omnibus bill incorporates provisions from a number of individual bills, including HB 4. The portion of this new bill that is relevant to the disability community 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 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 the House and Senate, awaiting action by the governor.

**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 2 currently contains \$1 million for this purpose.*

**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. Passed HHHC, pending in HAFC. *HB 2 currently contains \$1 million to explore the feasibility and parameters of such a waiver.*

**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 2 currently earmarks \$1.5 million for innovative residential services for persons with mental illness in Dona 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. 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 this 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. Moved forward by HHHC without recommendation, pending in HJC. *SB 3, which has passed the Legislature and is awaiting action by the governor, would eliminate the Collaborative entirely.*

**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. *HB 2 currently contains \$3 million for behavioral health scholarships.*

**HB 354** Diversion from criminal justice into treatment. Rep. Tara Luján. Establishes at least five pilot projects, lasting six years, to demonstrate that diverting certain offenders from the criminal justice system to community-based services and treatment will reduce crime, homelessness and recidivism and improve public health. The bill creates a fund to support these projects but does not provide an appropriation of money into the fund. Passed HHHC, pending in HJC.

**HB 375** Scholarships for advanced BH degrees. Rep. Joanne Ferrary. Appropriates \$10 million for scholarships for students pursuing master's or doctorate level degrees in order to become practicing behavioral health professionals. The one-year scholarships would be renewable until the degree is awarded. Students receiving a scholarship would have to contract to provide behavioral health services in New Mexico upon their licensure, for the same number of years as they received a scholarship. HEC/HAFC. *Scheduled for hearing in HEC on Wednesday, Feb. 26. HB 2 currently contains \$3 million for scholarships in behavioral health.*

**HB 397** Stipends for behavioral health students. Rep. Joanne Ferrary. Appropriates \$2 million for stipends to undergraduate and graduate students who are completing training, supervision, or experience requirements necessary to obtaining licensure in a behavioral health practice area. HEC/HAFC.

**SB 1** Behavioral health trust fund. Sen. George Muñoz. Establishes a trust fund to support behavioral health services. The original version of the bill included an initial investment of \$1 billion, but that has been deleted. The initial amount to be deposited into the fund will be determined by the Senate as it reviews and amends HB 2. 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 the House and Senate, awaiting action by the governor.

**SB 2** Funding for BH initiatives. Sen. Benny Shendo. This bill, as amended in SFC, provided a total of \$200 million to be spent over the next several years for a wide variety of behavioral health initiatives. Passed the Senate, pending in HAFC. *Most of this funding has been added to HB 2 and SB 2 is unlikely to move on.*

**SB 3** BH reform and investment act. Sen. Peter Wirth. The Senate Finance Committee's substitute version of the bill establishes a new regional behavioral health planning process and gives a significant role in that process to the Health Care Authority. It puts an executive committee rather than the Administrative Office of the Courts (AOC) in charge of the planning process; that committee would include representatives of HCA and AOC along with behavioral health experts appointed by AOC. Each region would develop a plan for continuing and expanding behavioral health services with a limited number of key priorities. The committee substitute clarifies requirements for the plans and adds reporting provisions. In addition, the substitute formally eliminates the state's Interagency Behavioral Health Purchasing Collaborative, which has been without a director and has not met for about two years. Passed the House and Senate, awaiting action by the governor.

**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. Passed SHPAC, pending in SJC.

**SB 54** Criminal justice amendments. Sen. Katy Duhigg. This lengthy bill deals primarily with the intersection of behavioral health and the criminal justice system. Among other provisions, it would require county detention centers to implement medication-assisted treatment; require expanded training of law enforcement officers on dealing with people in a mental health crisis; allow law enforcement officers to take people in crisis to a mental health facility or clinic rather than arrest them, if the individual in crisis consents; and allow for diversion of individuals with behavioral health issues charged with crimes into treatment programs either pre- or post-adjudication. SJC/SFC.

**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.*

**SB 405** BH review committee. Sen. Linda Lopez. Creates a committee to propose policies for treatment courts and to develop proposals to reform the state’s behavioral health laws. The committee and the experts needed to support the committee would be funded by a \$300,000 appropriation. SRC/SFC.

**SB 432** BH grant program and fund. Sen. Steve Lanier. Establishes a program to provide grants to local governments for new or expanded behavioral health services, and creates a fund to be used for those grants, with a portion of the revenue from liquor and cannabis excises taxes going to that fund. SHPAC/SFC.

**SB 489** Court-ordered treatment for minors. Sen. Linda Lopez. Allows children who have been adjudicated as abused or neglected and who are under the jurisdiction of children’s court to be ordered into mental health treatment if this is in the best interest of the child and needed to promote the health, safety or welfare of the child. *Under current law, a child older than 13 can make their own decisions about mental health services. SHPAC/SJC.*

**SB 510** Crime package. Sen. Bill Sharer. This bill is a very extensive collection of provisions that expand the definitions of various crimes and address other issues in adult and juvenile criminal proceedings. The bill includes many of the provisions now in HB 8 concerning determination of competency, competence restoration, evaluation of whether defendants meet involuntary commitment criteria, and others. SJC/SFC.

**SM 6** Study joint consent for minors. Sen. Linda Lopez. This memorial addresses the issue that under NM law, minors age 14 through 17 have the right to consent to or refuse behavioral health services such as counseling or therapy. It suggests that some children who refuse treatment – and their families – would be better off if the child received the treatment, and that perhaps their parents should have authority to make those decisions. It calls on the Department of Health to conduct a study of whether there are better outcomes for children in states that provide for joint parental consent compared to outcomes in NM. SRC/SHPAC.

### Brain Injury

**SB 386** Allow chiropractors to clear student athletes. Sen. 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. SEC/SJC. *Scheduled for hearing today in SEC.*

*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. The HCEDC substitute makes significant changes to the original bill, creating two new programs: Family Wellness Leave and the Welcome Child benefit. Family wellness leave would be funded by payroll contributions (at lower levels than in the original bill) and would provide up to six weeks per year of paid leave for oneself or a family member in cases of bereavement, bonding with a new foster child, dealing with a serious medical condition, exigency leave connected with military services, or “safe leave” for protection

from domestic violence, stalking, sexual assault or abuse. The Welcome Child benefit would offer up to twelve weeks of *unpaid* leave to bond with a biological or adopted child within a year of the birth or adoption, along with a \$9,000 payment (in three \$3,000 monthly installments), to be funded by state appropriation. A maximum of twelve weeks of leave, including any allowed under the federal Family Medical Leave Act, would be permitted within a twelve-month period. Passed HHHC and HCEDC, awaiting vote in the House.

**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 “covered facilities” that receive at least 2,500 visitors a year. Covered facilities would include state-owned buildings that are open to the public and commercial places of public amusement such as theaters, convention centers, sports arenas or other businesses that accommodate at least 2,500 people at a time. Passed HHHC and HCEDC, awaiting vote in the House.

**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. A substitute version was approved in HJC that allows hearing-impaired individuals to go to court to compel compliance with the law. Passed the House; SHPAC/SJC.

**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 mandates 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. Passed HCPAC and HGEIC, awaiting vote in the House.

**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.* 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. Passed HHHC, pending in 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. Passed HCPAC; *scheduled for hearing today in 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. *Scheduled to be heard in SHPAC yesterday but rolled over, so likely to be on the agenda for today’s meeting.*



**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.

**SB 372** Relay service funding. Sen. Antoinette Sedillo Lopez. This bill establishes a small fixed monthly surcharge on telephone customers, including cell phone users, to support the relay service operated by the NM Commission for the Deaf and Hard of Hearing. This would replace the current funding mechanism for the relay service which has been an unreliable source of income. STBTC/SFC.

**SB 558** Medicaid waiver for older adults. Sen. Pete Campos. Directs the HCA to apply for a Medicaid waiver to provide home and community-based supports and services to older adults (age 65 or older) with a chronic debilitating disease. Appropriates \$2 million for the development of the proposed waiver. *It is not clear how this would differ from the existing community benefit program under Turquoise Care, which is the state’s managed care Medicaid program.* 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.

**HB 357** No GRT in Mi Via budgets. Rep. Tara Luján. This bill would establish that the funding amount in an approved Mi Via budget is for the cost of the services to be provided, and that any gross receipts tax imposed by a provider would not be taken out of that budget but would be paid for through a separate payment mechanism. *It’s not clear how that mechanism would work or who would pay the GRT.* Passed HHHC, pending in HTRC.

**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.

**SB 395** Special Olympics funding. Sen. Linda Lopez. Appropriates \$100,000 for support of Special Olympics in New Mexico. SHPAC/SFC.

#### Education/Special Education

**HB 260** Seclusion and restraint. Rep. Yanira Gurrola. This bill affirms the existing prohibition on the use of mechanical restraints or seclusion on public school students, sets clear limits on the use of physical restraint, and clarifies and defines allowable interventions such as de-escalation, physical escort and time-out. Involuntary detention of a student in a room or other area is allowed so long as there is line-of-sight supervision of the student and only when there is imminent threat of physical harm to the student or another person. The bill requires training of school personnel and a detailed report to the student’s parents when physical restraint or involuntary detention is used. Passed HEC and HGEIC, awaiting vote in the House.

**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.* HEC/HJC.

**HB 490** Discriminatory discipline and bullying. Rep. E. Diane Torres-Velasquez. Amends requirements for local school board policies to add disability and certain other factors that cannot be used as the basis for discipline or discrimination, and prohibits bullying or punishment based on disability. HEC/HJC.

**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. A provision calling for the transfer of the Office of the Special Education Ombud out of the DD Council and into the PED has been dropped from the bill. Passed SEC and SFC, awaiting Senate vote.

**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. Passed SEC, pending in SJC.

**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. Passed SEC, pending in SFC.

**SB 246** Seizure-safe schools act. Sen. Harold Pope. *Same as HB 300, above.* SEC/SJC. Heard but failed to pass in SEC.

#### 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. Passed HJC, pending in HAFC. *HB 2 currently contains \$229,000 to establish the SDM program, contingent on passage of this bill.*

**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. Passed HCPAC, pending in HJC.

**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.

**SB 419** Financial exploitation. Sen. Leo Jaramillo. Amends existing law to extend delays in processing financial transactions when there is good reason to believe that the transaction may involve financial exploitation of a vulnerable adult. The bill also creates a role for Adult Protective Services in responding to such incidents. STBTC/SJC.

**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. Passed HHHC, pending in HAFC.

**HB 399** Nursing home payment rates. Rep. Pat Woods. Appropriates \$19.7 million to the Health Care Authority to increase Medicaid reimbursement rates for nursing facilities. Rep. Mark Duncan. *Same as SB 97, below.* HHHC/HAFC. *Scheduled for hearing in HHHC today. HB 2 currently contains \$9 million in the HCA budget to “re-base” nursing home payment rates.*

**HB 400** Cost studies for Medicaid services. Rep. Mark Duncan. Requires the HCA to conduct a cost study every three years of every type of health care provided through the Medicaid program, and to include or reference those cost studies when they submit their annual budget request to the legislature. HHHC/HGEIC.

**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. Passed SHPAC, pending in SFC.

**SB 97** Nursing home payment rates. Sen. Pat Woods. *Same as HB 399, above.* Passed SHPAC, pending in SFC. *HB 2 currently contains \$9 million in the HCA budget to “re-base” nursing home payment rates.*

**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 the House; SJC/SFC.

**HB 81** Interstate occupational therapy compact. Rep. Liz Thomson. Passed the House; SJC/SFC.

**HB 82** Interstate physical therapy compact. Rep. Liz Thomson. Passed HHHC and HJC, awaiting House vote.

**HB 217** Interstate counseling compact. Rep. Pamelya Herndon. Passed HHHC, pending in HJC.

**HB 242** Interstate psychology compact. Rep. Marian Matthews. Passed HHHC, pending in HJC

**HB 243** Interstate medical licensure compact. Rep. Marian Matthews. Passed HHHC, pending in HJC

**HB 412** Interstate compact for EMS. Rep. Gail Armstrong. HGEIC/HJC

**HB 413** Interstate compact for physician assistants. Rep. Gail Armstrong. HHHC/HJC

**HB 441** Interstate compact for dentists and dental assistants. Rep. Gail Armstrong. HHHC/HJC

**SB 46** Interstate medical licensure compact. Sen. Linda Trujillo. SHPAC/SJC. Passed SHPAC, pending in 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.* Passed HHHC with a commitment from the sponsor to amend the bill to restore a higher tax credit for those who adopt a special needs child; pending in 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
HTPWC	House Transportation and Public Works and Capital Improvements Committee
HTRC	House Taxation and Revenue Committee

SB	Senate Bill
SEC	Senate Education Committee
SFC	Senate Finance Committee
SHPAC	Senate Health and Public Affairs Committee
SJC	Senate Judiciary 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

### Other:

GRO Fund	Government Results and Opportunity Fund
SGF	State general fund