

THE DISABILITY COALITION
Advocating for People with Disabilities of All Types

DISABILITY ISSUES IN THE 2025 LEGISLATURE
POST- REPORT
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*Past issues of the Legislative Status Report can be found at drnm.org.
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Abbreviations used in this report: See page 12, below.

Session ends with a few sparks. This year’s legislative session ended at noon on Saturday. In a last-minute show of defiance, the House voted unanimously Saturday morning to override the governor’s veto of a bill that gave local school districts the authority to provide the required number of hours in a school year on a four-day-a-week schedule rather than having to provide 180 days of school on a five-day-a-week schedule. However, the Senate chose not to act on the issue, leaving the governor’s veto in place. A recent court decision has already given schools this scheduling flexibility.

The governor added sparks of her own by railing against the Legislature’s failure to pass the juvenile crime measures she supported – measures that would have imposed longer sentences for juveniles convicted of various crimes and lowered the age at which minors could be tried as adults for certain crimes. She threatened to bring the Legislature back into special session to force action on those proposals.

Late maneuver in House rescues supported decision-making. As the session drew to a close, it wasn’t looking good for HB 149, which authorized SDM. With less than 24 hours before the end of the session, senators brought up the bill and passed it, but only after grafting onto it the contents of a completely separate bill changing the definitions involved in involuntary mental health commitments – a proposal that had passed the Senate twice but had twice been rejected in the House. That sent the hybrid bill back to the House with the apparent choice of either accepting the unwanted provisions along with SDM or – more likely – rejecting the bill entirely and leaving SDM as collateral damage. But in a brilliant maneuver Friday night, the House returned the favor by grafting the SDM language onto a must-pass bill already approved by the Senate (SB 535) that addressed a shortfall in the Workers Compensation fund and sending that amended bill back to the Senate. On the last morning of the session, the Senate conceded that its third try had not been the charm and concurred with the change. The SDM provision passed and the bloated version of HB 149 – with the Senate’s final attempt to change the commitment definitions – died at the stroke of noon.

Other bills not so lucky. Most of the substantive bills we’ve been following in these weekly reports died upon adjournment. Notable among those were two beneficial bills dealing with special education (HB 260, SB 38); a mandate for the HCA to develop a Medicaid waiver to provide home- and



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community-based services for persons with brain injury or behavioral health issues (HB 70); paid family and medical leave (HB 11); extra effort to search for a missing service animal in emergency situations (HB 111); and all of the interstate compacts for health care providers. The Senate Judiciary Committee was the most common place for the substantive bills to die, and they came to an end based on a decision by the committee's chairman, Sen. Joseph Cervantes, not to schedule a hearing on them.

Some bills made it through. About a dozen of the more than 80 bills we've followed in these reports made it all the way through the legislative process, and a few of those have already been signed into law by the governor. A list and description of bills that passed this year (in addition to the state budget bill) begins on page 4 below.

Budget bill emerges, passes in final week. An amended version of HB 2, the funding bill for state government, came out of the Senate Finance Committee on Tuesday, passed the Senate on Wednesday, and was accepted by the House on Thursday, sending it on to the governor. The Senate added \$23 million in recurring expenses to the House version to reach a total of \$10.795 billion in annual spending. That's a \$680 million increase (6%) above the current budget.

The final version of the budget includes \$280 million in additional funding for behavioral health services, most of which is provided as one time funding rather than as part of the recurring budget. This will fund implementation of the regional behavioral health plans to be developed pursuant to SB 3 as well as a wide array of supports and services, including \$110 million earmarked for housing and support services for persons with behavioral health needs. The new behavioral health fund established by SB 1 will receive an initial investment of \$100 million and will benefit in the future from some of the income that is now flowing into the Early Childhood trust fund. CYFD will receive \$16.4 million per year for the next 3 years to meet its obligations in the *Kevin S.* case that addresses the needs of children in the state's custody, many of whom have behavioral health issues.

Bills and Memorials That Passed in the 2025 Session

State budget and tax provisions

HB 2 General Appropriation Act. Rep. Nathan Small. This is the state budget bill that establishes on-going funding levels for all state agencies. The bill sets recurring spending at \$10.795 billion, an increase of about \$680 million (6%) above the current year's budget. It provides an additional \$1.56 billion in "special" (one-time) funding for various services and projects and another \$458 million for services funded for the next two or three years through the Government Results and Opportunity (GRO) fund.

How does the bill affect funding for state agencies that provide services to persons with disabilities? Below we show the pre-session recommendations from the governor and from the LFC (and LESC for education funding) and the final appropriations in HB 2.

Health Care Authority (HCA)

- For Medicaid and Behavioral Health Medicaid:

Governor – State general fund (SGF) increase \$136.3 million, total spending \$12.6 billion

LFC – SGF increase \$30 million, total spending \$12.25 billion

Final HB 2 – Slightly reduces SGF (less than \$1 million), but increases other state funding so that total spending would go up to \$12.227 billion.

The bill contains about \$174 million in special appropriations to the HCA to implement the regional behavioral health plans called for under SB 3 and to support a wide array of 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.

HCA will also receive funding from the GRO fund over the next three years in the amount of \$5.9 million per year for 3 years for medical services, such as medication-assisted treatment and case management, prior to release from correctional or detention facilities, and \$3.6 million per year for medical respite for homeless persons.

- For Developmental Disabilities:
 - Governor – SGF increase \$60 million, including \$28 million for provider rate increases
 - LFC – SGF increase \$45.65 million, including \$28 million for rate increases
 - Final HB 2 – SGF increase \$53.2 million, including \$26.2 million for rate increases.
- For the Behavioral Health Services Division:
 - Governor – SGF increase \$466,000 (1%); total spending \$91.9 million (down 6.2%)
 - LFC – No SGF increase; total spending \$105.9 million (up 8%)
 - Final HB 2 – 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 – SGF increase \$202 million; total spending \$4.373 billion (up 4.8%)
 - LFC – SGF increase \$251 million; total spending \$4.421 billion (up 6%)
 - LESC – SGF increase \$334 million; total spending \$4.504 billion (up 8%)
 - Final HB 2 – SGF increase \$328 million; total spending \$4.499.2 (up 7.9%)
- For the PED:
 - Governor – Add 15 staff positions in support of special education, with SGF increase of \$3 million
 - LESC – Same as the governor
 - LFC – Add 5 positions with \$800,000 SGF and use federal money as needed for additional staff.
 - Final HB 2 – Same as the LFC
 - HB 2 includes \$4 million in one-time funding for various special education initiatives and another \$12 million for a statewide student information system that is expected to include implementation of a standard individual education plan (IEP) format.

Division of Vocational Rehabilitation

- For the Rehabilitation Services Division:
 - Governor – SGF increase \$451,000 (7.3%); total spending \$35.12 million (up 15.2%)
 - LFC – SGF increase \$200,000; total spending \$34.87 million (up 14.3%)
 - Final HB 2 – Same as LFC
- For Independent Living:
 - Governor – No SGF increase; total spending \$2.09 million (up 29.5%)
 - LFC – No SGF increase; total spending \$2.09 million (up 29.5%)
 - Final HB 2 – No SGF increase; total spending \$2.02 million (up 25%)

Commission for Deaf and Hard of Hearing

Governor – SGF increase \$266,000 (15.9%); total spending \$3.48 million (up 6.1%)
LFC – SGF increase \$213,000 (12.7%); total spending \$3.48 million (up 6.1%)
Final HB 2 – Same as LFC

The agency will 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 – SGF increase \$379,000 (13.6%); total spending \$19.85 million (up 10%)

LFC – SGF increase \$100,000 (3.6%); total spending \$19.57 million (up 8.4%)

Final HB 2 – SGF increase \$200,000 (7.2%); total spending \$19.67 million (up 9%)

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%)

Final HB 2 – Same as LFC

Developmental Disabilities Council

- For the Office of Guardianship:

Governor – SGF increase \$1.084 million (13.6%); total spending \$9.59 million (up 12.7%)

LFC – SGF increase \$552,000 (6.6%); total spending \$9.03 million (up 6.1%)

Final HB 2 – 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 – SGF increase \$313,000 (22.3%); total spending \$2.4 million (up 16.3%)

LFC – SGF increase \$85,000 (6.1%); total spending \$2.17 million (up 5.2%)

Final HB 2 – Same as LFC

A special appropriation of \$229,000 is provided to establish a supported decision-making program at the DDC, contingent on enactment of legislation authorizing supported decision-making. An additional \$60,000 is provided for the Marilyn Martinez program promoting jobs in state agencies for persons with disabilities.

HB 47 Property tax exemptions for veterans. Rep. Art De La Cruz. Implements two recently adopted constitutional amendments expanding tax exemptions for veterans. One of these provides 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. The exemption was previously available only to veterans who were rated as 100% disabled.

Other Substantive Legislation

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. ***Signed into law by the governor.***

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 in 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 could recover attorney fees if successful.

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 disqualify a caregiver if that person poses an unreasonable risk to a care recipient.

HB 197 Expand definition of Silver Alert. Rep. Joseph Sanchez. Adds 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. *Signed into law by the governor.*

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.

HB 357 No GRT in Mi Via budgets. Rep. Tara Luján. Establishes 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.

SB 1 Behavioral health trust fund. Sen. George Muñoz. Establishes a trust fund to support behavioral health services. Five per cent of the fund’s assets at the end of each year will be transferred to a related program fund that the Legislature can use to fund behavioral health services. *The original version of the bill included an initial investment of \$1 billion, but HB 2 includes only \$100 million for the fund. For the next three years, under the provisions of a different bill, income to the fund will come from half of one of the two income streams now going to the Early Childhood trust fund. Signed into law by the governor.*

SB 3 BH reform and investment act. Sen. Peter Wirth. Establishes a new regional behavioral health planning process and gives a significant role in that process to the Health Care Authority. The changes to the original bill put an executive committee (rather than the Administrative Office of the Courts) in charge of the planning process; that committee will include representatives of HCA and AOC along with behavioral health experts appointed by AOC. Each region will develop a plan for continuing and expanding behavioral health services with a limited number of key priorities. The bill formally eliminates the state’s Interagency Behavioral Health Purchasing Collaborative, which has been without a director and has not met for about two years. *Signed into law by the governor.*

SB 39 Access to treatment for rare diseases. Sen. Liz Stefanics. Prohibits prior authorization or “step therapy” requirements for FDA-approved drugs used off-label to treat rare medical conditions.

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.

SB 88 Medicaid trust fund. Sen. George Muñoz. Establishes a trust fund to help support the Medicaid program in future years. Income to the fund will come from reversions (money appropriated to state agencies but not spent and therefore returned to the state treasury) at the end of a fiscal year; when total reversions at the end of any year exceed \$110 million, the excess above \$110 million will go to the Medicaid fund until it reaches a balance of \$2 billion. In addition, pursuant to a separate bill that passed (HB 71), for the next three years the fund will receive half of the income from one of the two income streams now going to the Early Childhood trust fund. Once the balance in the Medicaid trust fund reaches \$500 million, five per cent of the fund's assets at the end of each year will be transferred to a related program fund that the Legislature can use to meet the state's share of Medicaid expenses.

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 that is set to expire on January 1, 2027. This makes the prohibition permanent.

SB 535 Fees, funds and SDM. Sen. George Muñoz. This bill began as a way of solving three financial challenges. It increased the monthly fee on most employers to address a shortfall in the Workers Compensation administration fund; created a surcharge on a portion of telephone bills to fund the 988 behavioral health hotline and support program; and allowed the NM Commission for the Deaf to draw more money from a similar fund to support the deaf relay service. It was amended on the House floor to include provisions authorizing supported decision-making, as originally proposed in HB 149. Supported decision-making agreements 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 creates a supported decision-making program within the DD Council.

Bills and Memorials That Failed to Pass

Behavioral Health

HB 4 Criminal competency and treatment. Rep. Christine Chandler. This bill was incorporated into HB 8, which passed.

HB 58 Wellness rooms & suicide prevention. Rep. Pamelya Herndon. Provided approximately \$2 million to PED for wellness rooms and suicide prevention programs in schools. *HB 2 contains \$1 million for this purpose.*

HB 70 Medicaid waiver for behavioral health or brain injury. Rep. Tara Luján. Directed the Health Care Authority to develop and submit a proposal to CMS for a Medicaid waiver providing home and community-based services for persons with a behavioral health condition or brain injury. *HB 2 contains \$1 million to explore the feasibility and parameters of such a waiver.*

HB 115 Residential treatment services funding. Rep. Joanne Ferrary. Provided \$859,000 for the development and initial operation of Soteria House, a residential behavioral health program and model, in Doña Ana County. *HB 2 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. Provided 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.

HB 152 Medication-assisted treatment for minors. Rep. Eleanor Chavez. Prohibited 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 prohibited

Medicaid from reimbursing such facilities, and created a fund that could pay for this treatment. *HB 2 includes \$10 million for grants to provide MAT and other BH services which could be used for this purpose, but does not require CYFD to provide this service for minors. There is an additional \$11.3 million per year to the Department of Corrections to provide MAT for persons in their facilities.*

HB 329 Changes to the Behavioral Health Purchasing Collaborative. Rep. Tara Luján. Revised the membership and governing structure of the Collaborative. *SB 3, which has been signed into law by the governor, eliminates the Collaborative entirely.*

HB 347 Financial aid for students in behavioral health field. Rep. Kristina Ortez. Appropriated \$10 million for scholarships and paid internships for graduate and undergraduate students pursuing degrees in behavioral health. *HB 2 contains \$3 million for behavioral health scholarships and practicum stipends and another \$1 million that can be used for internships.*

HB 354 Diversion from criminal justice into treatment. Rep. Tara Luján. Established 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.

HB 375 Scholarships for advanced BH degrees. Rep. Joanne Ferrary. Appropriated \$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. *HB 2 contains \$3 million for scholarships and practicum stipends in behavioral health.*

HB 397 Stipends for behavioral health students. Rep. Joanne Ferrary. Appropriated \$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. *HB 2 contains \$3 million for scholarships and practicum stipends in behavioral health.*

SB 2 Funding for BH initiatives. Sen. Benny Shendo. Provided a total of \$200 million for a wide variety of behavioral health initiatives. *All of this funding is included in HB 2.*

SB 54 Criminal justice amendments. Sen. Katy Duhigg. This lengthy bill dealt primarily with the intersection of behavioral health and the criminal justice system. It required county detention centers to implement medication-assisted treatment; required expanded training of law enforcement officers on dealing with people in a mental health crisis; allowed law enforcement officers to take people in crisis to a mental health facility or clinic rather than arrest them, and allowed for diversion of individuals with behavioral health issues charged with crimes into treatment programs either pre- or post-adjudication.

SB 166 Revised criteria for mental health commitments. Sen. Moe Maestas. Revised 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) by expanding the definitions of likelihood of "harm to self" and "harm to others". The intent was to subject a broader range of individuals to potential commitment. *After this bill passed the Senate it was tabled by a House committee. The contents of the bill were then amended into SB 510, but after that bill passed the Senate it was referred to three House committees, sealing its fate. The language was then placed into yet another bill, HB 149, but the House rejected it for the third time by not agreeing to the Senate changes to that bill.*

SB 405 BH review committee. Sen. Linda Lopez. Created a committee to propose policies for treatment courts and develop proposals to reform the state's behavioral health laws.

SB 432 BH grant program and fund. Sen. Steve Lanier. Established a program to provide grants to local governments for new or expanded behavioral health services, and created a fund to be used for those grants.

SB 489 Court-ordered treatment for minors. Sen. Linda Lopez. Allowed 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 found to be in the child's best interest and needed to promote the child's health, safety or welfare. *Under current law, children 14 or older can make their own decisions about mental health services.*

SB 510 Crime package/commitment definitions. Sen. Bill Sharer. This bill began as a collection of provisions that expanded the definitions of various crimes and otherwise addressed criminal proceedings involving adults and juveniles. Then all those provisions were deleted and replaced with a revised version of SB 166, changing the definitions for mental health commitments. *As noted above, SB 510 passed the Senate but was referred to three House committees less than 48 hours before the session ended, assuring that it would die. When presenting the bill for Senate floor debate, sponsor Bill Sharer described the bill as "a way to keep the most dangerous people off of our streets for a little while until we can figure out what to do with them".*

SM 6 Study joint consent for minors. Sen. Linda Lopez. Addressed 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. The bill suggested 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.

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 have added chiropractors to the list of healthcare professionals who can provide such a release.

Community Living and Services

HB 11 Family/medical leave benefit. Rep. Christine Chandler. The final version of this bill created two new programs: Family Wellness Leave and the Welcome Child benefit. Family wellness leave would have been funded by payroll contributions and provide up to six weeks per year of paid leave for oneself or a family member. The Welcome Child benefit would have offered 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.

HB 40 Adult changing tables. Rep. Kathleen Cates. Mandated, 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 included 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.

HB 49 Closed captioning. Rep. Cynthia Borrego. Required 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.

HB 55 PCS reimbursement rates. Rep. Pamela Herndon. Required 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 mandated that at least 70% of the rate paid to agencies to provide this service would be passed through as compensation to the individual workers who provide the service, in the form of salary or benefits.

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

HB 339 Human Rights Act amendments. Rep. Angelica Rubio. Expanded the scope of the Human Rights Act to prohibit discrimination based on an individual's source of income, including public assistance programs or vouchers, in financial assistance programs and rental or purchase of housing. It also provided that investigations and enforcement involving public accommodations and housing would be handled by the Attorney General rather than the Human Rights Commission.

SB 103 PCS data reporting. Sen. Antoinette Sedillo-Lopez. Required HCA to collect and annually report data on compensation, including benefits, paid to direct care workers providing Personal Care Services in the Medicaid Community Benefit program, as well as demographic information about this workforce. It required the HCA to perform a rate study and develop recommended payment rates for this service that would allow direct care workers to earn at least 150% of the state minimum wage.

SB 192 Property tax exemptions for disabled veterans. Sen. M.D. O'Malley. Implemented 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. *This provision was incorporated into HB 47, which passed.*

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

SB 372 Relay service funding. Sen. Antoinette Sedillo Lopez. Established 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 is based on a percentage of the cost of a certain component of cell phone bills and has been a declining and unreliable source of income. *A similar provision was included in SB 535, which passed.*

SB 558 Medicaid waiver for older adults. Sen. Pete Campos. Directed the HCA to apply for a Medicaid waiver to provide home and community-based supports and services to adults age 65 or older with a chronic debilitating disease, and appropriated \$2 million for the development of the proposed waiver.

Developmental Disabilities Services

HB 42 Medicaid waiver rate increases. Rep. Kathleen Cates. Provided \$6.3 million to the Health Care Authority to increase rates for DD waiver provider agencies, intended to raise rates for services that were not adequately addressed in the most recent rate study. *There is \$26.2 million in the HCA budget in HB 2 for provider rate increases.*

SB 198 Supplemental FIT funding. Sen. Leo Jaramillo. Appropriated \$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 several weeks later, after many providers had already hired new staff or given raises based on the promised funding. *There is \$2 million in HB 2 for this purpose, to cover the second half of the current fiscal year.*

SB 395 Special Olympics funding. Sen. Linda Lopez. Appropriated \$100,000 for support of Special Olympics in New Mexico.

Education/Special Education

HB 260 Seclusion and restraint. Rep. Yanira Gurrola. Affirmed the existing prohibition on the use of mechanical restraints or seclusion on public school students, set clear limits on the use of physical restraint, and clarified and defined allowable interventions such as de-escalation, physical escort and time-out. Involuntary detention of a student in a room or other area was 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 required training of school personnel and a detailed report to the student's parents when physical restraint or involuntary detention is used.

HB 300 Seizure-safe schools act. Rep. Martin Zamora. Called 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 could 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.*

HB 490 Discriminatory discipline and bullying. Rep. E. Diane Torres-Velasquez. Amended 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 prohibited bullying or punishment based on disability.

SB 38 Office of Special Education. Sen. Mimi Stewart. Designated 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 spelled 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 was dropped from the bill.

SB 147 Expulsion or suspension from Pre-K. Sen. Harold Pope. Prohibited pre-K and child care facilities from expelling children, and limited 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 would not be suspended for more than three days.

SB 238 Youth behavioral health. Sen. Mimi Stewart. Appropriated \$1.45 million to PED for a youth behavioral health prevention project. The bill detailed the type of project that would qualify for the funding and the contract had to go to an entity with experience in providing the same service in other states. *HB 2 includes \$5 million for suicide prevention and youth behavioral health supports in schools.*

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

Guardianship, Self-Determination and Protection of Vulnerable Persons

HB 124 Guardian/conservator authority. Rep. Joanne Ferrary. Established 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 provided an opportunity for a guardian or conservator to be appointed as personal representative to make funeral arrangements and wrap up any estate when a protected person dies and no one else seeks such an appointment.

HB 125 Conservator liability waivers. Rep. Marian Matthews. Repealed the existing prohibition of waivers of liability for conservators of protected persons. The bill allowed the court with jurisdiction over the case, after a hearing, to enter an order approving the conservator’s final report and protecting the conservator from any further claim related to the conservator’s management of the estate.

HB 149 Supported decision-making. Rep. Michelle Abeyta. Authorized supported decision-making (SDM) agreements in New Mexico law. Such agreements 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 funded the establishment of an SDM program at the DD Council. *The final version of the contents of this bill were incorporated into SB 535, which passed the Legislature. HB 2 contains \$229,000 to fund the SDM program, contingent on enactment of a bill to establish the program. SB 535 includes that provision.*

HB 301 Silver alerts via text message. Rep. Martin Zamora. Directed 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.

SB 419 Financial exploitation. Sen. Leo Jaramillo. Amended 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 created a role for Adult Protective Services in responding to such incidents.

Health Care – General

HB 118 Housing assistance for health care workers. Rep. Kathleen Cates. Authorized 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 pledged to practice in New Mexico for at least 10 years. The bill appropriated \$5 million for this program.

HB 186 Medicaid Forward. Rep. Reena Szczepanski. Directed 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.

HB 399 Nursing home payment rates. Rep. Mark Duncan. Appropriated \$19.7 million to the Health Care Authority to increase Medicaid reimbursement rates for nursing facilities. *Same as SB 97, below. HB 2 contains \$9 million in the HCA budget to “re-base” nursing home payment rates.*

HB 400 Cost studies for Medicaid services. Rep. Mark Duncan. Required 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.

SB 97 Nursing home payment rates. Sen. Pat Woods. *Same as HB 399, above. HB 2 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. *Similar to SB 39, which passed.*

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.

HB 81 Interstate occupational therapy compact. Rep. Liz Thomson.

HB 82 Interstate physical therapy compact. Rep. Liz Thomson.

HB 217 Interstate counseling compact. Rep. Pamela Herndon.

HB 242 Interstate psychology compact. Rep. Marian Matthews.

HB 243 Interstate medical licensure compact. Rep. Marian Matthews.

HB 412 Interstate compact for emergency medical services. Rep. Gail Armstrong.

HB 413 Interstate compact for physician assistants. Rep. Gail Armstrong.

HB 441 Interstate compact for dentists and dental assistants. Rep. Gail Armstrong.

SB 46 Interstate medical licensure compact. Sen. Linda Trujillo.

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

SB 105 Interstate social work compact. Sen. Linda Trujillo.

SB 106 Interstate psychology compact. Sen. Linda Trujillo.

SB 433 Interstate compact for dentists and dental assistants. Sen. Harold Pope, Jr.

Other

HB 119 State contractor payment rates. Rep. Kathleen Cates. Allowed 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.

HB 207 Converting the special needs adoption tax credit to a general adoption credit. Rep. Rebecca Dow. As introduced, this bill would have eliminated the current targeted tax credit for parents who adopt a special needs child and replaced it with a tax credit for the adoption of *any* child. The bill was amended to provide for a higher credit for adoption of a special needs child, recognizing that this serves as an incentive for such adoptions, which typically involve expenses above and beyond those associated with other children.

ABBREVIATIONS USED IN THIS REPORT

Legislature and Committees:

HB House Bill
HM House Memorial

LFC Legislative Finance Committee (interim committee)
LESC Legislative Education Study Committee (interim committee)

SB Senate Bill
SM Senate Memorial

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:

CMS Centers for Medicare and Medicaid Services, U.S. Department of Health & Human Services
GRO Fund Government Results and Opportunity Fund
SDM Supported decision-making
SGF State general fund