

Legislative Update February 18, 2017
Steve Lucero, NMAFP Lobbyist

On February 16th the Legislature received the 2017 Mid-Session Review of Revenues. This review is conducted by a committee comprised of the Legislative Finance Committee, Department of Finance and Administration, Taxation and Revenue Department, and the Department of Transportation. The review committee reached a consensus to make no revisions to the revenue forecast made in December of 2016. The good news, no projected additional cuts. The bad news, no additional revenue. With Medicaid funding dependent on these revenue projections, the legislature will be hard-pressed to find the dollars to fully fund Medicaid and take advantage of Federal matching dollars. The Legislative Finance Committee did add \$4 million to the Medicaid Budget; adjusted from their original amount of zero at the beginning of the session. On Friday February 17th the House Appropriations Committee passed House Bill 2. After some fine tuning over the weekend, the bill will be sent to the House Floor for debate and vote.

Medicaid Funding

As mentioned above, the House Appropriations Committee passed a budget. The Legislative Finance Committee added \$4 million to the Medicaid portion of the budget which is well below the Human Services Department's request of \$42 million and the Governor's request of \$26 million.

The Human Services Department (HSD) is proposing the addition of co-payments for some Medicaid recipients to recoup costs. Co-payments will be assessed primarily for those recipients with incomes above 100% of the Federal Poverty Level. *See the attached Medicaid Assistance Program Supplement document.* The HSD is requesting public comment through March 17th. Instructions for submitting comments are included on the Supplement document.

Senate Bill 433, introduced by Senator Carlos Cisneros, would temporarily add a gross receipts tax for all hospitals, including non-profits. Revenue from this temporary tax would be used to establish a "Medicaid Trust Fund" to support the New Mexico Medicaid program and help restore Medicaid payment rates to physicians and hospitals.

SB 240 Health Professional Loan Repayment: Sen. Gay Kernan

On February 14th this bill received a Do Pass in Senate Public Affairs Committee on a unanimous vote and has been referred to Senate Finance Committee.

This bill would establish a Physician Excellence Fund supported by a fee of \$100 to accompany fees for application for renewal of physician licensure. The Physician Excellence Fund would support financial awards established through the Health Professional Loan Repayment Act to primary care physicians who practice in areas of New Mexico that are designated as underserved. This bill defines a primary care physician as a physician licensed pursuant to the Medical Practice Act or the Osteopathic Medicine Act with specialty training in family medicine, general internal medicine, or general pediatrics.

SB 9 Rural Healthcare Act Program Funding: Sen. Howie Morales

SB 9 still awaits a hearing date in Senate Public Affairs Committee. There is a committee substitute bill that will be introduced at the hearing.

This bill would provide funding to the Rural Primary Healthcare Act to fund recruitment and training of healthcare professionals to under-served rural communities. The bill adds language to the Rural Primary Health Care Act that would make certain evidence-based healthcare workforce development and recruitment programs in underserved areas of New Mexico eligible for funding. Funding for new eligible programs would be based on new/additional appropriations to the Rural Primary Healthcare Act specifically for their purpose.

SB 145 Health Professions Scope of Practice Committee: Sen. Jacob Candelaria

This bill would create an interim committee of legislators to hear scope of practice change requests and make recommendations to the legislature. The Scope of Practice Committee recommendations would be non-binding and scope of practice changes and establishment of licensing boards would remain under the authority of the entire legislature. There is a provision in the bill that would prohibit a member of the Scope of Practice Committee who is licensed in a health profession for which a proposed statutory change in scope of practice is before the committee shall not participate in the committee's review, findings, or recommendations for report to the legislature.

This bill continues to wait for a hearing date in Senate Rules. You can contact committee members by using the information below. The committee chair sets the agenda.

Senate Rules Committee

Sen. Linda Lopez (D)
Chair

Phone: 986-4737

Email: linda.lopez@nmlegis.gov

Sen. Jeff Stienborn (D) <i>Vice-Chair</i>	Phone: 986-4862	Email: jeff.steinborn@nmlegis.gov
Sen. Gregory Baca (R)	Phone: 986-4877	Email: greg.baca@nmlegis.gov
Sen. Jacob Candelaria (D)	Phone: 986-4380	Email: jacob.candelaria@nmlegis.gov
Sen. Stuart Ingle (R)	Phone: 986-4702	Email: stuart.ingle@nmlegis.gov
Sen. Daniel Ivey-Soto (D)	Phone: 986-4270	Email: daniel.ivey-soto@nmlegis.gov
Sen. Gerald Ortiz y Pino (D)	Phone: 986-4482	Email: jortizyp@msn.com
Sen. Mary Kay Papen (D)	Phone: 986-4733	Email: marykay.papen@nmlegis.gov
Sen. Cliff Pirtle (R)	Phone: 986-4391	Email: cliff.pirtle@nmlegis.gov
Sen. Clemente Sanchez (D)	Phone: 986-4513	Email: clemente.sanchez@nmlegis.gov
Sen. Mark Moores (R) <i>Ranking Member</i>	Phone: 986-4856	Email: mark.moores@nmlegis.gov

Other Legislation of Interest

SB 90 Conditional Prescription Certificates: Sen. Papen

On February 17th a Senate Judiciary Committee Substitute for SB 90 passed a Senate Floor vote 37-0 and has been referred to the House of Representatives.

This bill would enact new sections of the Nursing Practice Act and the Osteopathic Medicine Act allowing nurse practitioners, clinical nurse specialists, and osteopathic physicians to supervise prescribing psychologists. Prescribing psychologists would also be required to report to the Prescription Monitoring Program.

HB 212 Indoor Tanning Act: Rep. Andres Romero

House Bill 212 is scheduled for House Consumer & Public Affairs Committee on February 21st.

This Bill would make a number of new provisions to regulate the tanning industry. It differentiates between devices that emit ultraviolet radiation for phototherapy (as used in certain skin diseases) and for tanning. Regulations would include:

- 1) Tanning facilities would be unable to serve those under eighteen years of age,
- 2) Tanning facility operators would be required to post a notice that would have to include the prohibition of the facility's use by minors, the health risks associated with tanning, the availability of the department of the environment to take complaints about violation of the act, and the availability of civil penalties against operators of tanning facilities that violate the indoor tanning act,
- 3) Users of tanning facilities would have to sign a form acknowledging having seen and understood the information mentioned in (2) above and agreeing to use protective eyewear,
- 4) A knowledgeable employee at the facility must be available to provide protective eyewear, to explain the written and posted information, and to keep minors from using the equipment,
- 5) Tanning equipment would need to be sanitized after each use,
- 6) Sanitized protective eyewear would be provided,
- 7) Accurate timing devices to quantitate exposure would be present,
- 8) An off-switch would be provided,
- 9) Clients could not use the tanning facility more than once each twenty-four hour period,
- 10) The tanning facility would be kept below 100 degrees Fahrenheit, and
- 11) Records of use, injuries, and consent forms would be kept. Users would also be responsible for using protective eyewear, and signing the statement referred

HB 156 Health Coverage for Milk Donations: Rep. Deborah Armstrong

HB 156 received a Do Pass in House Health and Human Services Committee and has been referred to House State Government, Indian and Veteran's Affairs Committee.

This bill would require insurers to pay for human breast milk donations for at-risk infants in a hospital setting.

HB 277/SB 293 Lactation Policies for Female Inmates: Rep. Maestas-Barnes, Sen. Padilla

On February 13th HB 277 received a unanimous Do Pass in House Health and Human Services Committee and has been referred to House Judiciary Committee. SB 293 is awaiting a hearing date in Senate Judiciary Committee.

This bill enacts a new statutory section to require every correctional facility (private or public jail, prison or other detention facility), by January 1, 2018, to develop and implement an infant and toddler feeding policy that promotes breastfeeding by female inmates and is based on current accepted best practices. The policy is required to include provisions for:

- Medically appropriate support and care related to cessation of lactation or weaning; and
- Human milk expression and (a) disposal; (b) storage for later retrieval and delivery to an infant or toddler by an approved person; and (c) same-day retrieval and delivery to an infant or toddler by an approved person, if preferred by the inmate and approved by the court and the correctional facility administrator.