

Legislative Update March 11, 2017
Steve Lucero, NMAFP Lobbyist

The end of this week saw a rapid increase in state budget consideration and debate. On Friday March 10th, the Senate Finance Committee passed both HB 2 General Appropriations Act and HB 202, an omnibus tax bill with revenue measures intended to accommodate the budget shortfalls in HB 2. These two bills were quickly scheduled on the Senate Calendar and passed Saturday March 11th.

There were many concerns from the medical community with the original version of HB 202 as it pertained to gross receipts tax increases for physicians and hospitals. The bill was amended in Senate Finance Committee to exclude physicians from increased gross receipts taxes. It was also amended to adjust language pertaining to hospital gross receipts taxes to say that \$26.4 million will be distributed annually to the county supported Medicaid fund. The amendment also restores the hold harmless payments related to healthcare practitioners to local communities.

These two bills are now subject to concurrence with the House of Representatives.

Medicaid Funding

According to Senator John Arthur Smith, Chairman of the Senate Finance Committee, Medicaid spending for the 2018 budget will be \$916 million, which is just slightly above the 2017 appropriation (the actual amount of the slight increase is unclear). He stated this during his presentation to the Senate Floor prior to the vote of HB 2 General Appropriation Act.

The Human Services Department continues to consider a plan to implement co-pays for some Medicaid recipients. Co-pays are being considered to help lower the amount the general fund needs to pay for Medicaid. There are many issues associated with assessing co-pays. Attached is the proposed plan from HSD with opportunities to provide comment listed on the last page of the document. The deadline to submit comments is Friday March 17, 2017 5:00 PM.

SB 240 Health Professional Loan Repayment: Sen. Gay Kernan

SB 240 is scheduled for a hearing in House Health & Human Services Committee on March 12th.

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

SB 145 passed a Senate Floor vote on Saturday March 11th and is being sent to the House of Representatives for introduction and committee assignments.

To hear perspectives and debate on this bill from the Senate Floor go to nmlegis.gov, click on Webcast from the top menu, click Calendar-Day/Month from the left bar, from the March 2017 Calendar click on Saturday March 11th, scroll down to 12:00 PM and click on Senate Meeting (Senate Chamber 12:10 – 3:09 PM) session. The bill is introduced at roughly 1:59:30 PM into the recording. The bar at the bottom of the recording screen allows scrolling forward to the chosen time.

A background of the debate is helpful when engaging in advocacy as it provides insight to the issues that legislators consider when making their decisions. The bill moves to the House of Representatives and advocacy will continue with Doc of the Day volunteers. You may also provide advocacy by contacting your legislators and committee members assigned to hear this bill.

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.

Other Legislation of Interest

SB 90 Conditional Prescription Certificates: Sen. Papen

SB 90 received a Do Pass in House Health and Human Services Committee and has been referred to the House Floor for introduction and calendar schedule.

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

HB 212 received a Do Pass in House Health & Human Services Committee on March 8th and sits and number 10 on the Housed Calendar.

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 currently sits at number 2 on House Floor calendar for March 13th.

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

HB 277 passed a House Floor vote on March 4th and is waiting a hearing in Senate Judiciary. SB 293 passed a Senate Floor vote unanimously and has been referred to House Health & Human Services 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.