

Legislative Update January 20, 2018
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The Governor kicked off the 2018 legislative session with her final State of the State address. Her economic message focused on six areas: tax reform, compete more effectively with surrounding states to bring businesses to New Mexico, support small businesses, target other sectors of the economy such as tourism and expanding the healthcare workforce, change how New Mexico spends its infrastructure dollars, and infrastructure investment in the southern border region of the state; not to include a border wall. The Governor also spent a good amount of time talking about crime, investing in the judicial system, and investing in public safety. Unfortunately, there was very little in her message relating to healthcare. However, she did make it a point to mention the Nursing Compact, which is a cooperative agreement among more than 20 states that would continue to allow traveling nurses to practice in New Mexico and other compact-member states.

Some New Mexico healthcare facilities rely heavily on traveling nurses from other states. This new Nursing Compact, replacing the current compact, had a ratification deadline of Friday January 19th at midnight. To accommodate this deadline, **Senate Bill 1: Nurse Licensure Compact (Sen. Gay Kernan and Sen. Howie Morales)** was introduced on the first day of the session. It passed Senate Judiciary, a Senate Floor vote, and House Health and Human Services Committee on the 2nd day. Then quickly reported on the House Floor and passed a House Floor vote and signed by the Governor on Thursday. This bill was clearly a bi-partisan priority in both chambers with unanimous approval throughout. Although Senate Bill 1 flew through the legislative process, it was not without its controversy.

According to the Executive Director of the Nursing Board, the necessity to ratify the proposed Nursing Compact was known to the Executive Branch in the fall of 2015. Both sides of the isle expressed consternation at the Governor's Office for not making the legislative body aware of this until the fall of 2017, thus making it an emergency piece of legislation this session. Senators on both sides in Senate Judiciary were unhappy that they were asked to "rubber stamp" a piece of legislation they thought may put New Mexico nurses in a position that would leave them vulnerable to the whims of the commission formed by the new compact and may jeopardize their civil rights. They expressed fear that the actions of this newly formed commission (Article 7: Establishment of Interstate Commission of Nurse Licensure Compact Administrators; page 17 line 2 of the bill's final version) would have the authority to supersede New Mexico law and diminish protections provided to nurses by New Mexico law, the Civil Rights Act, and the New Mexico Board of Nursing. To see the debate and concerns expressed by legislators, go to nmlegis.gov, click on Webcasts, from the left menu bar click on New Recordings, in the New Recordings page under Last Week scroll down to Senate Judiciary Wed Jan 17, 9:28 AM – 11:07 AM and/or Senate Meeting Wed Jan 17, 11:36 AM – 3:06 PM and fast forward the recording to 1:32.00 PM.

The Following healthcare related legislation was shared at the Legislative Workshop on Jan 13th. There may also be new healthcare-related legislation introduced through January 31st. We will provide updates on relevant healthcare legislation as it moves through the process.

SB 8/HB 59: Interagency Pharmaceuticals Purchasing Council (Sen. Jeff Steinborn)

This bill would establish State Interagency Council to coordinate and implement cost-containment strategies for the purchase of pharmaceuticals.

SB 10: Health Professional Loan Repayment (Sen. Gay Kernan)

This bill would add \$100 to physician renewal licensing fees to establish an “Excellence Fund” for the purpose of awarding loan repayment for providers that practice in designated underserved areas of New Mexico. The Fund will accrue interest and will not revert to state funds at the end of the fiscal year.

SB 11/HB 42: Guidelines for STEP Therapy for Drug Coverage (Sen. Kernan, Sen. Stefanics)

This bill would require insurers to develop clinical review criteria to establish guidelines relating to STEP therapy for prescription drug coverage.

SB 35: Overdose and Medication Counseling (Sen. William Soules)

This bill would require providers to counsel patients being prescribed opioids on the risks of overdose and about overdose reversal medication; naloxone. Provider shall offer a prescription of naloxone unless otherwise indicated in the professional judgement of the provider.

SB 37: Public Assistance Work Requirements (Sen. Pat Woods)

This bill would require certain public assistance recipients to participate in work related activities; including Medicaid recipients.

SB 75: Medicaid & Taxpayer Fraud Acts Changes (Sen. Gerry Ortiz y Pino)

This bill would amend provisions in the Medicaid False Claims Act and the Fraud Against Taxpayers Act; and allow for increased penalties.

SM 3/HM 9: Study NM Medicaid Buy-In Plans (Sen. Gerry Ortiz y Pino)

This memorial would require the Legislative Health and Human Services Committee to explore the costs and benefits of offering state residents who are not eligible for Medicaid the choice of buying into a health care coverage plan administered by Medicaid.

HB 42/SB 11: Guidelines for STEP Therapy for Drug Coverage (Rep. Liz Thompson, Rep. Monica Youngblood)

This bill would require insurers to develop clinical review criteria to establish guidelines relating to STEP therapy for prescription drug coverage.

HB 44: Health Provider Claim Denial and Recoupment (Rep. Liz Thompson)

This bill establishes a limitation on recoupment or retroactive denial of provider claims of one year from the date the claim was paid by insurer. Does not cover an instance of fraud.

HB 56: Parental Notification of Abortion Act (Rep. Rick Little, Rep. David Gallegos)

This bill would require parent notification when an abortion is to be performed on a minor. Exceptions to notification in bill: in cases of medical emergency, pregnancy due to rape or incest, medical danger to pregnant mother, insufficient time.

HB 59/SB 8: Interagency Pharmaceuticals Council (Rep. Joanne Ferrary)

This bill would establish State Interagency Council to coordinate and implement cost-containment strategies for the purchase of pharmaceuticals.

HB 104: Rural Health Care Tax Credit Changes (Rep. Miguel Garcia)

This bill would amend the Rural Health Care Practitioner Tax Credit to allow licensed counselors, pharmacists, and social workers to claim the credit.

HB 107: Medicaid DD Waiver Supports & Services (Rep. Miguel Garcia)

This bill would appropriate \$25 million to the Department of Health to fund supports and services to Medicaid patients with developmental disabilities.

HM 9/SM 3: Explore Medicaid Buy-In Plan (Rep. Deborah Armstrong)

This memorial would require the Legislative Health and Human Services Committee to explore the costs and benefits of offering state residents who are not eligible for Medicaid the choice of buying into a health care coverage plan administered by Medicaid.