

Legislative Update February 14, 2015
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As the 2015 Legislative session continues, some healthcare bills are beginning to make a move. Below is an update on three bills that have been acted upon in committee and received participation from stakeholder groups; resulting in amendments or substitute bills.

As a note, HB 259 Certain Physician Services Gross Receipts (Rep. Jim Trujillo) is scheduled to be heard in House Health Committee on Thursday morning February 19th.

SB 325 Health Agreement No-Compete Provisions (Sen. Ingle)

The bill was amended in Senate Judiciary and received a Do Pass on Wednesday February 11th. It is scheduled for a Senate floor vote on Monday February 16th, although it could take a number of days for the Senate floor vote to take place.

This bill would make certain non-compete clauses in healthcare practitioner agreements unenforceable when an employment contract expires or employment is terminated; provisions such as those that restrict the right of a healthcare practitioner from providing clinical healthcare services or provisions that assess unreasonable liquidated damages.

Under the amended bill, provisions would not apply to agreements that require practitioners, working less than three years, to repay recruitment costs or signing bonuses, relocation costs, loans, or educational or training expenses. Also, the amended bill clarifies language regarding principal owners not affected by this Act.

HB 122 Scope of Practice Act (Rep. McMillan)

A Committee Substitute for this bill received a Do Pass in House Health Committee on Thursday February 12th and has been referred to House Judiciary Committee.

The substitute bill is not available as of the day of this report but will be included in the next report. It is unclear as to whether a request for change in scope of practice will be required to go through the respective licensing board. In committee, Rep. McMillan stated that a requesting practitioner, at odds with its own licensing board, may make a request directly to the Legislative Council Services appointed committee. The original bill is outlined below:

The bill would establish a process for handling requests for changes to a scope of practice for health professionals. Requested changes to a scope of practice will be made to the respective licensing board who will then collect data and information, provide analysis and submit request to the New Mexico Legislative Council. The Legislative Council, or its assignee, shall consider the analysis or recommendation of the licensing board, ensure public notice, invite testimony, and assess the requested change using the following criteria:

- a) Potential harm or benefit to health and safety
- b) Impact on health care costs
- c) Impact on access to quality healthcare in NM

The Legislative Council will summarize its assessment and analysis and make its recommendation to the Legislature.

SB 121 Vaccine Purchasing Act (Sen. O'Neill)

As mentioned in last week's report, a meeting of stakeholders (physicians, NM Department of Health, Insurance Companies, pharmaceutical companies) took place on Thursday February 12th. The meeting was facilitated by Sen. Bill O'Neill with input from a Legislative Council Services attorney bill drafter. The following changes to the bill were suggested and agreed upon by those present:

1. The word "Universal" will be stricken from the Act and be named the "Vaccine Purchasing Program",
2. The word "assessment" would be changed to "reimbursement" and the NM

Department of Health will receive reimbursements from insurers after the vaccines have been given. Representatives from the DOH stated that if insurers reimbursed regularly on a quarterly basis they would be able to maintain the fund for vaccines.

3. The Superintendent of Insurance would promulgate rules for reimbursement and penalties of insurers.
4. Insurance companies suggested adding language of “policy” to include “stop-loss policies” and “re-insurance” policies.
5. Suggested new language in the bill to include: “physicians shall not be allowed to bill the Vaccine for Children program for insured children”. Also language such as “in the event a child is covered by more than one insurance policy, the company that adjudicates the policy shall assess for reimbursement”.
6. The NM Department of Health is committed to vaccine brand choice for patients and physicians.
7. The NM Department of Health will continue to administrate the proposed “Vaccine Purchasing Program” fund.

These agreements and suggestions will be incorporated into an amended bill or substitute bill to be heard in Senate Judiciary Committee. Senator O’Neill hopes to have the bill heard in Senate Judiciary on Wednesday February 18th or Friday February 20th.