

Legislative Update March 3, 2019
Steve Lucero, NMAFP Lobbyist

The Senate Finance Committee continues to consider amendments to the Appropriations Act HB2. It is unknown at this time when they will send a budget back to the House.

See action below on some of the bills of interest to the NMAFP.

HB 629 Medical Malpractice Changes (Rep. Ely)

HB 629 received a Do Pass Without Recommendation in House Consumer and Public Affairs Committee on February 28th and referred to House Judiciary Committee.

This bill would increase the cap that could be claimed in a malpractice case from the present \$600,000 to \$2,000,000 for individual health care providers, and from \$600,000 to \$25,000,000 for business entities, including hospitals and clinics. The cap would be increased yearly beginning in 2022 on the basis of change in the consumer price index. The bill would also establish an advisory committee to be composed of physicians and attorneys and chaired by the superintendent of insurance to review all matters having to do with the Medical Practice Act and to relate the findings to the governor and the legislature on a yearly basis. OSI would also determine the premium surcharge to be assessed on each medical care provider, hospital and other entity, “based on sound actuarial standards,” in order to continue to adequately fund the Patient’s Compensation Fund (PCF), which would continue to pay any amount between the individual provider’s cap, set at \$200,000, and the award.

HB 51 Decriminalize Abortion (Reps. Joanne Ferrary, Georgene Louis) (Sen. Linda Lopez)

This bill received a Do Pass in Senate Public Affairs Committee on March 2nd and is referred to Senate Judiciary Committee.

This substitute bill would repeal NM laws that criminalize abortion; *Sections 30-5-1 through 30-5-3 NMSA 1978 (being Laws 1969, Chapter 67, Sections 1 through 3)*. The NMAFP supports this bill because it would rescind an outdated bill that was never enforced and was designed to interfere in the practice of medicine.

HB 416 Medicaid Buy-In Act (Reps. D. Armstrong, Egolf, Small)
SB 405 Medicaid Buy-In Act (Sens. Ortiz y Pino, Candelaria)

HB 416 is scheduled for a hearing in House Appropriations and Finance Committee on Monday March 4th.

There is a call to action for those in favor of these bills. Call and/or email Senator John Arthur Smith, Chair of the Senate Finance Committee (505 986-4365, john.smith@nmlegis.gov) and

Representative Patricia Lundstrom, Chair of the House Appropriations and Finance Committee (505 986-4316, patricia.lundstrom@nmlegis.gov). Ask that they pass these bills in their respective committees.

These bills would establish a state public option for New Mexico residents to purchase health insurance utilizing a Medicaid Buy-In option. The option would be available to residents that are non-eligible for Medicaid, Medicare, tax credits under the Affordable Care Act, or whose employer has not dis-enrolled them from company health plans. The bill would prohibit employers from dis-enrolling or denying enrollment to a resident covered under the employer's sponsored health coverage on the basis that the employer believes that the resident would qualify for Medicaid buy-in plan coverage.

SB 188 Health Insurance Prior Authorization Act (Sens. Gay Kernan, Liz Stefanics)

SB 188 unanimously passed a Senate Floor vote on March 2nd and will be introduced in the House.

This bill would charge the Office of the Superintendent of Insurance to set requirements for insurance companies and their pharmacy benefits managers to standardize and streamline the prior authorization process for non-emergency medical care.

HB 90 Elizabeth Whitfield End of Life Options Act (Rep. Deborah Armstrong)

HB 90 has been temporarily tabled on the House Calendar.

This bill creates an Act to establish rights, procedures and protections relating to medical aid in dying. It removes criminal liability for providing assistance pursuant to the Elizabeth Whitfield End of Life Options Act. The Act requires a health care provider to determine that a patient has capacity, a terminal illness, voluntarily made the request for medical aid in dying, and the ability to self-administer the medical aid in dying medication.

SB 279 Health Security Act (Sens. Cisneros, Ortiz y Pino, Soules, Martinez)

HB 295 Health Security Act (Reps. D. Armstrong, Gonzales, Chasey, Roybal-Caballero, Ferrary)

HB 295 received a **Do Pass** in House State Government, Elections, and Indian Affairs Committee on February 24th and referred to the House Floor. It was withdrawn from the House Floor calendar and sent to House Appropriations and Finance Committee.

SB 279 received a **Do Pass** in Senate Public Affairs on Thursday February 7th and continues to wait for a hearing in Senate Judiciary Committee.

According to the bill's Fiscal Impact Report, the bill "proposes to enact the Health Security Act (HSA) to create a program that ensures health care coverage to virtually all New Mexicans through a combination of public and private financing, control escalating health care costs, and improve the health care of New Mexicans". If enacted, a commission formed by the HSA would

determine the feasibility of such “universal” coverage and provide a plan to the legislature for approval by the 2021 Legislature. If the Legislature does not approve the plan, the HSA would be automatically repealed.

HB 89 Health Coverage for Contraception (Rep. Deborah Armstrong)

This bill is scheduled for a hearing in Senate Public Affairs on March 5th.

This bill would require health plans to cover medications and clinical services related to contraceptive health.

HB 8 Background Check for Fire Arm Sales (Reps. Sarinana, Roybal-Caballero, Garratt, Figueroa)

SB 8 Fire Arm Sale Background Check (Sens. Martinez, Wirth)

SB 8 received a **Do Pass** in House hearing in Consumer and Public Affairs Committee on February 26th and a Do Pass in House Judiciary in March 2nd. It now sits on the House Floor Temporary Calendar.

HB 8 continues to wait for its first Senate hearing in Senate Public Affairs Committee.

These bills would require federal instant background checks on sales of firearms.

HB 207 Surprise Billing Protection Act (Rep. Nathan Small)

HB 207 unanimously passed a House Vote on February 28th. It has been introduced in the Senate and assigned to one committee; Senate Judiciary awaiting a hearing. According to Rep. Small, HB 207 now represents the input provided by the NMMS.

The overall desire of the effort is to eliminate balance billing/surprise billing to the patient and also to keep the patient out of the “squabble” between out-of-network providers and the health plans. The new bill would establish the Surprise Billing Protection Act.

HB 88 Healthcare Value & Access Commission Act (Reps. D. Armstrong, Thompson)

HB 88 continues to wait in House Appropriations and Finance Committee.

This bill would create a Health Care Value and Access Commission that would provide oversight and implement recommendations to ensure the sustainability of the health care system in New Mexico.

HJR 1 Permanent Funds for Early Childhood, CA (Reps. Maestas, J. Martinez)

This resolution is scheduled for a hearing in Senate Rules Committee on March 4th.

House Joint Resolution 1 seeks to amend the New Mexico Constitution to provide an additional 1% annual distribution from the Land Grant Permanent Fund to be earmarked for early childhood educational services. The amendment defines “early childhood educational services” as nonsectarian and nondenominational services for children until they are eligible for kindergarten.

SB 290 Medicaid Home Visiting Services and Council (Sen. Ortiz y Pino)

SB 290 continues to wait for a hearing in Senate Finance Committee.

This bill would require the Secretary of Human Services to establish an advisory council to establish and monitor Medicaid home visiting services to improve the health and development of New Mexico children and families.

HB 356 Cannabis Regulation Act (Reps. J. Martinez, Maestas, Ely, D. Armstrong, Rubio)

This bill received a Do Pass in House Judiciary on February 23rd. It currently sits as #1 on the House Calendar.

Synopsis taken from the bill’s Fiscal Impact Report:

House Bill 356 enacts the Cannabis Regulation Act (CRA), which contains a comprehensive plan for regulation and licensing and taxation of cannabis production and distribution, and sale and consumption to and by persons over the age of 21.

HB 230 Duty to Report Child Abuse (Rep. C. Trujillo)

HB 230 received a Do Pass in House Judiciary on March 1st. It now sits on the House Temporary Calendar.

This bill amends the mandatory duty to report child abuse statute to clarify that a finding that a pregnant woman has been using or abusing drugs during her pregnancy by itself does not trigger the duty to report child abuse or neglect; such a finding alone is not a sufficient basis for such a report.