

Legislative Update February 7, 2015
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Action at the Roundhouse continues at a steady pace. Below is an update on the status of healthcare legislation of interest to many family physicians.

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

This bill received a Do Pass in Senate Public Affairs and is referred to Senate Judiciary. The discussion in committee centered on establishing the authority to assess Insurers. The Department of Insurance made a case that the authority should rest with them. The amendments submitted were not adopted in committee and the bill, in its original form, received a Do Pass with the understanding that parties would continue to meet and either amend the bill or submit a substitute bill in Senate Judiciary that addresses the concerns of all parties.

In its original form, the bill establishes a Universal Vaccine Purchasing Program for New Mexico and would authorize the Department of Health to bill insurers for vaccines given to children under the insurer's health plan.

A meeting of the stakeholders has been tentatively scheduled for next Thursday February 12th at the Roundhouse. Meeting time and location TBD.

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

The bill received a Do Pass in Senate Corporations Committee and has been referred to Senate Judiciary.

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.

Limits on provisions do not apply to agreements that require practitioners working less than two years to repay recruitment costs or signing bonuses, relocation costs, loans, or educational or training expenses. Provisions relating to confidential information and trade secrets are not limited by this act. Non-solicitation provisions relating to patients and employees for one year or less after employment ends are not affected. The Act also does not apply to a practitioner that is a principal owner in a practice.

HB 122 Scope of Practice Act (Rep. McMillan)

This bill is scheduled to be heard on Tuesday morning February 10th in House Health Committee. 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.

HB 259 Certain Physician Services Gross Receipts (Rep. Jim Trujillo)

This bill expands the type of receipts that may be deducted from gross receipts taxes. The bill would allow insurance deductibles collected by a practice to be deducted from gross receipts taxes.

The bill is awaiting a hearing date in House Health Committee.