

**Legislative Update February 25, 2017**  
**Steve Lucero, NMAFP Lobbyist**

On February 22, 2017 the House of Representatives passed House Bill 2 General Appropriations Act. On the same day, House Bill 202 passed a House Floor vote. HB 202 is a set of tax loophole fixes and tax revenue generators in a number of areas such as hospital care, Internet gross receipts, and motor vehicle taxes among others. *See attached HB 202 and HB 202 Fiscal Impact Report.* A majority in the legislature are hopeful that these revenue measures will pass the Senate and be reconciled with the House to help alleviate some of the stress on this year's budget. The Governor's office has been somewhat open to the idea of tax loophole fixes; however, has stated that they do not favor tax increases. The budgetary process is now in the Senate's court with amendments likely to be proposed before it heads back to the House for concurrence.

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**Medicaid Funding**

The future of Medicaid funding is in the hands of the Senate. Advocacy will continue on the Senate side with the help of Doc of the Day volunteers and other advocacy groups such as the NM Center on Law & Poverty. The Senate Finance Committee will consider many amendments to House Bill 2. To voice your opinion on the importance of Medicaid funding, you can contact the Senate Finance Committee members.

**Senate Finance Committee:**

Sen. John Arthur Smith	986-4365	<a href="mailto:john.smith@nmlegis.gov">john.smith@nmlegis.gov</a>
Sen. Carlos Cisneros	986-4362	<a href="mailto:carlos.cisneros@nmlegis.gov">carlos.cisneros@nmlegis.gov</a>
Sen. William F. Burt	986-4366	<a href="mailto:bill.burt@nmlegis.gov">bill.burt@nmlegis.gov</a>
Sen. Pete Campos	986-4311	<a href="mailto:pete.campos@nmlegis.gov">pete.campos@nmlegis.gov</a>
Sen. Gay Kernan	986-4274	<a href="mailto:gay.kernan@nmlegis.gov">gay.kernan@nmlegis.gov</a>
Sen. Carroll Leavell	986-4278	<a href="mailto:leavell4@leaco.net">leavell4@leaco.net</a>
Sen. Howie Morales	986-4863	<a href="mailto:howie.morales@nmlegis.gov">howie.morales@nmlegis.gov</a>
Sen. George Munoz	986-4371	<a href="mailto:senatormunoz@gmail.com">senatormunoz@gmail.com</a>
Sen. Nancy Rodriguez	986-4264	<a href="mailto:nancy.rodriquez@nmlegis.gov">nancy.rodriquez@nmlegis.gov</a>

Sen. Sander Rue	986-4375	<a href="mailto:sander.rue@nmlegis.gov">sander.rue@nmlegis.gov</a>
Sen. John Sapien	986-4301	<a href="mailto:john.sapien@nmlegis.gov">john.sapien@nmlegis.gov</a>
Sen. Steven Neville	986-4701	<a href="mailto:steven.neville@nmlegis.gov">steven.neville@nmlegis.gov</a>

### **SB 240 Health Professional Loan Repayment: Sen. Gay Kernan**

On February 24<sup>th</sup> SB 240 received a Do Pass in Senate Finance Committee. The bill now goes to the Senate Floor for a vote.

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**

On February 22<sup>nd</sup> SB 145 received a Do Pass in Senate Rules Committee and has been referred to Senate Judiciary Committee.

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.

### **SB 9 Rural Healthcare Act Program Funding: Sen. Howie Morales**

A conversation with Senator Howie Morales on February 22<sup>nd</sup> revealed that SB 9 will no longer be pursued during this legislative session. He stated that interested parties will work on a bill over the interim that will address the issues that caused the bill to stall in its first committee this year. He's optimistic that a resolution can be reached that will satisfy all parties.

This bill would provide funding to the Rural Primary Healthcare Act to fund recruitment and training of healthcare professionals to under-served rural communities. The bill adds language to the Rural Primary Health Care Act that would make certain evidence-based healthcare workforce development and recruitment programs in underserved areas of New Mexico eligible for funding. Funding for new eligible programs would be based on new/additional appropriations to the Rural Primary Healthcare Act specifically for their purpose.

### **Other Legislation of Interest**

#### **SB 90 Conditional Prescription Certificates: Sen. Papen**

SB 90 is waiting for a hearing date in House Health & Human Services Committee.

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**

On February 22<sup>nd</sup> HB 212 received a Do Pass in House Consumer & Public Affairs Committee and has been referred to House Health & Human Services Committee.

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 is scheduled for a hearing in House State Government, Indian and Veteran's Affairs Committee on February 28th.

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 is scheduled for a hearing in House Judiciary Committee on February 27th. On February 22<sup>nd</sup> SB 293 received a Do Pass in Senate Judiciary Committee and is scheduled for a hearing in Senate Finance Committee on February 27th.

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.