

Legislative Update March 4 2017
Steve Lucero, NMAFP Lobbyist

The state budget continues to dominate conversations at the Roundhouse. On March 1st HB 202, an omnibus tax package, made it through Senate Corporations Committee; being sent to Senate Finance Committee “Without Recommendation”. Hospitals and medical providers spoke out against a portion of HB 202 due to the gross receipts tax recommendations affecting healthcare services. Currently, the bill would set a standard gross receipts tax rate on medical providers, hospitals, and medical services. Revenues will go to the state general fund. The Hospital Association does not support this approach and wants the legislature to use revenues from any adjusted gross receipts to restore Medicaid reimbursement rates that were reduced to medical providers and to set up a trust fund to be used specifically for Medicaid matching funds. According to Dan Weeks, lobbyist for the Hospital Association, there’s an effort to combine elements of SB 433 (mentioned in Feb. 18th update) and amend HB 202 as it continues through the process. Efforts to amend HB 202 are headed by the Hospital Association and the NM Medical Society. Although it’s not scheduled on the public calendar, it’s anticipated that HB 202 will be heard in Senate Finance Committee sometime this week. The NMAFP strongly encourages all members to contact the Senate Finance committee and encourage them to consider all options that would lead to full funding of Medicaid. Please see contact information for the Senate Finance Committee members below.

Medicaid Funding

Current funding for Medicaid in House Bill 2 General Appropriations Act includes an increase of roughly \$2.5 million; well below the requested amount of \$42 million in increased spending by the Human Services Department. As mentioned last week, the budget is currently in the hands of the Senate. Poor revenue projections are forcing lawmakers to consider cuts to Medicaid services, adding co-pays for some Medicaid recipients, and further cuts to provider reimbursements. Some or all of these cuts can be averted if revenue measures are implemented and the Governor’s Office accepts these measures. Adequate Medicaid funding is a priority for the NMAFP. Please contact the Governor’s Office and Senate Finance Committee members and stress the importance of considering all options to fully fund Medicaid.

Governor Susanna Martinez 505 476-2200 or 505-986-4300

Senate Finance Committee:

Sen. John Arthur Smith (C)	986-4365	john.smith@nmlegis.gov
Sen. Carlos Cisneros	986-4362	carlos.cisneros@nmlegis.gov
Sen. William F. Burt	986-4366	bill.burt@nmlegis.gov

Sen. Pete Campos	986-4311	pete.campos@nmlegis.gov
Sen. Gay Kernan	986-4274	gay.kernan@nmlegis.gov
Sen. Carroll Leavell	986-4278	leavell4@leaco.net
Sen. Howie Morales	986-4863	howie.morales@nmlegis.gov
Sen. George Munoz	986-4371	senatormunoz@gmail.com
Sen. Nancy Rodriguez	986-4264	nancy.rodriguez@nmlegis.gov
Sen. Sander Rue	986-4375	sander.rue@nmlegis.gov
Sen. John Sapien	986-4301	john.sapien@nmlegis.gov
Sen. Steven Neville	986-4701	steven.neville@nmlegis.gov

SB 240 Health Professional Loan Repayment: Sen. Gay Kernan

On March 2nd SB 240 passed a Senate Floor vote unanimously. The bill has been referred to House Health and Human Services Committee.

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

According to the Senate Judiciary office, SB 145 is tentatively scheduled for a hearing in Senate Judiciary on Wednesday March 8th.

To weigh in on this bill, call or email members of the Senate Judiciary Committee:

Sen. Richard Martinez (C)	505 986-4487	richard.martinez@nmlegis.gov
Sen. Daniel Ivey-Soto	505 986-4270	daniel.ivey-soto@nmlegis.gov
Sen. Gregory Baca	505 986-4877	greg.baca@nmlegis.gov
Sen. Jacob Candelaria	505 986-4380	jacob.candelaria@nmlegis.gov

Sen. Joseph Cervantes	505 986-4861	Joseph@cervanteslawnm.com
Sen. Ron Griggs	505 986-4369	ron.griggs@nmlegis.gov
Sen. Linda Lopez	505 986-4737	linda.lopez@nmlegis.gov
Sen. Cisco McSorley	505 986-4389	cisco.mcsorley@nmlegis.gov
Sen. Mark Moores	505 986-4856	mark.moores@nmlegis.gov
Sen. Peter Wirth	505 986-4727	peter.wirth@nmlegis.gov
Sen. William Payne	505 986-4703	william.payne@nmlegis.gov

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.

Other Legislation of Interest

SB 90 Conditional Prescription Certificates: Sen. Papen

SB 90 continues to wait 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

HB 212 is scheduled for a hearing in House Health & Human Services Committee on Wednesday March 8th.

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 currently on the House Floor calendar for March 6th.

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 received a Do Pass on February 27th in House Judiciary Committee and is waiting to be scheduled on the House Floor Calendar. On March 2nd SB 293 passed a Senate Floor vote unanimously and has been referred to House Health & Human Services Committee.

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.