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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Sen. Sedillo Lopez/Rep. Romero, A</u>	<b>LAST UPDATED</b> _____
	<b>ORIGINAL DATE</b> <u>2/1/2024</u>
<b>SHORT TITLE</b> <u>Brain Injury Registry</u>	<b>BILL NUMBER</b> <u>Senate Bill 156</u>
	<b>ANALYST</b> <u>Chenier</u>

### APPROPRIATION\* (dollars in thousands)

FY24	FY25	Recurring or Nonrecurring	Fund Affected
Brain Injury Services Fund	\$1,000.0	Recurring	General Fund
HCA	\$600.0	Recurring	General Fund
UNM	\$300.0	Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.  
\*Amounts reflect most recent analysis of this legislation.

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

Agency/Program	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		\$140.7	\$140.7	\$281.4	Recurring	General Fund
		\$140.7	\$140.7	\$281.4	Recurring	Federal Matching Revenue
<b>Total</b>		<b>\$281.4</b>	<b>\$281.4</b>	<b>\$562.8</b>		

Parentheses ( ) indicate expenditure decreases.  
\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Agency Analysis Received From

Health Care Authority (HCA)

University of New Mexico Health Sciences Center (UNM-HSC)

## SUMMARY

### Synopsis of Senate Bill 156

Senate Bill 156 appropriates \$1 million from the general fund to the brain injury services fund (BISF) to establish and support a brain injury registry and to purchase or develop a brain injury registry website, \$600 thousand to HCA to conduct brain injury surveillance, and \$300 thousand to the University of New Mexico to partner with the HCA to facilitate an extension for community health care outcomes project focused on brain injury.

The bill also cleans up language in Section 27-1-16 NMSA 1978, to include references to HCA as opposed to the Human Services Department and updates the definition of brain injury to include more modern terminology. The bill creates the brain injury registry with a website for people to register that also allows the department to conduct brain injury surveillance. The website would also connect registrants to services, support, and opportunities to participate in medical research.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, or May 15, 2024, if enacted.

## **FISCAL IMPLICATIONS**

The appropriation of \$1 million contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

The appropriations of \$600 thousand and \$300 thousand contained in this bill are a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY25 shall revert to the general fund.

Prior to FY24, the BISF was funded with a \$5 fee applied to each moving traffic violation. The BISF received an annual average of \$603.2 thousand in funding from court fees. In addition to court fees, HCA sets aside \$460 thousand annually in general fund dollars to supplement the program.

Legislation enacted during the 2023 legislative session eliminated post-adjudication fees assessed in traffic cases but did not provide recommendations for additional funding for the BISF program. Because of this, the BISF lost its main source of funding.

HCA provided the following:

The bill calls for the purchase or development of a website for the brain injury registry. Detailed requirements would need to be gathered before an accurate cost estimate could be created for the design, development, and implementation (DDI) of the registry. The portion of the \$1 million appropriation needed for the website is not known at this time.

Maintenance and support of proposed website and registry would require 2 FTE at total operating cost of \$187,600.

An extension of community health care outcomes projects with UNM will require an additional FTE from the HCA at an operating cost of \$93,800.

## **SIGNIFICANT ISSUES**

Non-recurring funds means that the brain injury surveillance and any initiatives under community health programs may not continue after FY25 or would require HCA to receive additional funds for the maintenance of the registry, surveillance, and outcomes programs.

Currently, Medicaid members with traumatic brain injury (TBI) who meet a Nursing Facility Level of Care can access home and community-based services through the Community Care

Community Benefit program.

If a person with a TBI is not otherwise financially eligible for Medicaid, they can access brain injury services through the HCA managed brain injury services fund. The BISF offers short-term non-Medicaid services to individuals with a confirmed diagnosis of brain injury. The fund serves as a gateway for those who are newly injured and are waiting to become either Medicaid eligible or another payer source is identified, or the individual's crisis is otherwise resolved.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

HSC provided the following:

The BISF will cease to function, and all persons supported by the BISF will be at greater risk of crisis, loss of housing, worsening of disability, increased hospitalization, increased morbidity, and increased mortality.

Without establishment of a brain injury surveillance program, there will be no accurate data on the incidence, prevalence, and rates of disability from brain injury in the state of New Mexico, on which to base effective allocations of resources to address brain injury.

Without establishment of a brain injury registry, New Mexicans will continue to have significant barriers to obtaining information on brain injury, barriers to obtaining brain injury care, and barriers to obtaining health care coverage.

EC/al/ne