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FISCAL IMPACT REPORT

2/18/01

HB

482

DATE TYPED:

SHORT TITLE:	DD Ombudsman	ation	SB			
			ANAL	YST:	Esquibel	
APPROPRIATION						
Appropriation Contained		Estimated Additional Impact			Recurring	Fund
FY01	FY02	FY01	FY02	0	r Non-Rec	Affected
	\$ 120.0			F	Recurring	GF

SOURCES OF INFORMATION

State Agency on Aging (SAOA) NM Health Policy Commission (HPC)

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in The General Appropriation Act of \$75.0

Developmental Disabilities Planning Council (DDPC) did not respond Governor's Committee on Concerns of the Handicapped (GCCH) did not respond

SUMMARY

SPONSOR:

Ruiz

Synopsis of Bill

HB482 appropriates \$120.0 from the general fund to DDPC for an ombudsman program for developmentally disabled (DD) individuals.

Significant Issues

- SAOA indicates the primary purpose of the DDPC is to conduct a needs assessment of the DD population in the state and review and comment on the state's programs to address those needs. Taking on a new role for direct service provision as proposed in HB482 may be a conflict of interest.
- Also, SAOA indicates the duplicate role of the ombudsman as proposed in HB482 and the Protection and Advocacy Inc organization that receives federal funding to protect the rights of DD individuals may pose problems.

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• HPC indicates the Public Regulation Commission's Division of Insurance has currently established a limited managed care ombudsman program to achieve the intent of the Patient Protection Act. Supplemental assistance for those cases which cannot be resolved informally is provided by a voluntary review panel.

FISCAL IMPLICATIONS

The appropriation of \$120.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY02 shall revert to the general fund.

RELATIONSHIP

The House Appropriations and Finance Committee acted on 2/16/01 to add to HB2 \$75.0 in general fund to the Department of Health's budget to be transferred to DDPC for an ombudsman program.

TECHNICAL ISSUES

Review federal regulations to assure that no conflict of interest would arise as a result of implementing HB482.

OTHER SUBSTANTIVE ISSUES

- SAOA proposes as an alternative to enactment of HB482 that the state's current disability programs and administering departments develop an alternative dispute resolution system to protect clients and applicants for services.
- HPC proposes as an alternative to enactment of HB482 that DD individuals utilize privately funded advocacy groups such as Protect and Advocacy Inc, or settle disputes in court.

RAE/njw