

# 2019 Health and Human Services Legislation Update

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LEGISLATIVE HEALTH AND HUMAN SERVICES  
ORGANIZATIONAL MEETING, MAY 17, 2019  
CHRIS POMMIER, STAFF ATTORNEY

# Chaptered Legislation endorsed by LHHS

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- HB 72 OCCUPATIONAL THERAPY SCOPE OF PRACTICE
- HB 128 INCREASE ACCESS FOR SENIOR CITIZEN EDUCATION
- HB 137 COUNTY & TRIBAL HEALTH COUNCILS ACT
- HB 179 FEMININE HYGIENE PRODUCT GROSS RECEIPTS (as substitute for HB 119)
- SB 20 SEX DESIGNATION ON VITAL RECORDS
- SB 41 MEDICAID SERVICES, FRAUD & DUE PROCESS
- SB 82 SAFE HARBOR FOR NURSES ACT
- SB 84 SENIOR CENTER FOOD GARDENS
- SB 85 DOMESTIC SERVICE IN MINIMUM WAGE ACT
- SB 123 PUBLIC & PRIVATE CAREGIVER LEAVE ACTS
- SB 135 NATUROPATHIC DOCTORS' PRACTICE ACT
- SB 204 MEDICAL MARIJUANA IN SCHOOLS
- SB 215 MATERNAL MORTALITY & MORBIDITY PREVENTION ACT

# Chaptered HHS Legislation

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## ■ AGING

- **Senate Bill 84** requires ALTSD to coordinate the planting, cultivation, growing, tending and harvesting of food at senior centers that wish to grow food gardens.

## ■ CHILDREN AND FAMILIES

- **House Bill 376** allows for CYFD to create a multi-level response system.
- **Senate Bill 28** provides that preference shall be given to placement of a child in the home of a relative of the child if such placement is in the best interests of the child
- **House Bill 230** clarifies that staff at hospitals and birthing centers should not report child abuse or neglect of a newborn child based only on a toxicology screen that shows that the mother is using drugs and creates a process for training on plans of safe care.

# Chaptered HHS Legislation

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- CHILDREN AND FAMILIES, continued
  - **House bill 314** establishes the Children's Advocacy Centers Act.
  - **Senate Bill 22** enacts the Early Childhood Education and Care Act, creating the Early Childhood Education and Care Department.
  - **Senate Bill 48** enacts the Student Diabetes Management Act to provide guidelines to schools to support the educational environment for students with diabetes.
  - **House Bill 149** extends the tribal notice requirement for Indian children by adding delinquency proceeding involving an Indian child.
  - **House Bill 303** gives free admission to state-owned parks to foster parents and their children.
  - **Senate bill 23** enacts the Fostering Connections Act which provides foster care services to eligible adults up to age 21
  - **Senate Bill 215** enacts the Maternal Mortality and Morbidity Prevention Act.

# Chaptered HHS Legislation

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## ■ INSURANCE

- **House Bill 436** enacts in state law many of the most popular provisions of the ACA while allowing health insurance companies to use reasonable techniques to control costs.
- **House Bill 285** allows OSI to regulate benefits, terms of coverage and the ratio of premiums for limited supplemental health insurance products.
- **Senate Bill 337** ends certain types of surprise billing.
- **Senate Bill 309** prohibits insurance companies under the authority of OSI from requiring prior authorization for medically necessary gynecological or obstetrical ultrasounds.
- **House Bill 89** requires that private, nonprofit and public health insurance programs cover most contraception.
- **House Bill 322** removes the age limitation on coverage for autism spectrum disorder.
- **Senate Bill 294** requires that the New Mexico Health Insurance Exchange increase its transparency and adhere to certain existing government accountability statutes

# Chaptered HHS Legislation

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- INSURANCE, continued
  - **Senate Bill 188** enacts the Prior Authorization Act to standardize and streamline the process of getting prior authorizations for medicine, medical devices and procedures.
  - **House Bill 81** requires insurers to treat physical therapy services similarly to primary care services as they relate to cost sharing.
  - **House Bill 371** requires HSD to contact certain people who are eligible for Medicare Part B to inform them of the program and explain how they may become automatically enrolled.
  - **Senate Bill 354** that businesses that provide health care insurance must cover telemedicine on an equal footing with coverage for traditional medical services.
  
- MEDICAID
  - **Senate Bill 246** allows for taxing certain health care providers so that state income may be leveraged to increase the federal match and then redistribute these increased funds to Medicaid providers as higher reimbursement rates.

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- MEDICAID, continued

- **Senate Bill 41** creates procedures for expedited hearings, informal conferences and greater due process during Medicaid fraud and abuse investigations.

- SCOPE OF PRACTICE / LICENSURE

- **House Bill 308** creates the scope of practice and educational and licensing requirements for dental therapists.
- **House Bill 72** revises the definition of "occupational therapy" and the scope of practice for occupational therapists.
- **Senate Bill 9** broadens the class of persons who may supervise a prescribing psychologist from licensed physicians to include osteopathic physicians, nurse practitioners, psychiatric nurse practitioners or clinical nurse specialists.
- **Senate Bill 135** allows naturapathic doctors to be licensed in New Mexico and sets out their scope of practice.

# Chaptered HHS Legislation

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- SCOPE OF PRACTICE / LICENSURE, continued
  - **House Bill 226** registered lay midwives who are licensed by DOH to procure, carry and administer certain drugs.
  - **House Bill 242** requires A health care provider writing a prescription for eyeglasses or contact lenses or performing an eye examination in-state to be licensed pursuant to the Optometry Act, the Medical Practice Act or the Osteopathic Medicine Act.
  - **House Bill 539** modernizes and clarifies the scope of practice, titles and licensing requirements for social workers.
  - **Senate Bill 349** allows for visiting sports physicians to practice in New Mexico as long as they meet certain requirements.
  - **House Bill 48** requires the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board to add to its ethical guidelines to account for the latest assistive hearing aid technology.
  - **Senate Bill 207** allows licensed substance abuse associates (LSAA) who enroll as Medicaid providers to qualify for reimbursement.



# Chaptered HHS Legislation

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## ■ HEALTH CARE WORKFORCE

- **House Bill 480** creates the Graduate Medical Education Expansion Grant Program Act. to provide grant funding to approved medical residency and internship programs across the state.
- **Senate Bill 82** enacts the Safe Harbor for Nurses Act that requires facilities to develop safe harbor provisions for nurses to reject or question assignments.
- **House Bill 280** requires health facilities to give certified nurse practitioners, certified nurse-midwives and clinical nurse specialists the same status as physicians in regard to admitting, discharging and other privileges.

## ■ ENVIRONMENTAL HEALTH

- **House bill 256** amends the Dee Johnson Clean Indoor Air Act to include e-cigarettes under its scope

# Chaptered HHS Legislation

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- MEDICAL CANNABIS

- **Senate Bill 406** expands New Mexico's Medical Cannabis program.

- PHARMA

- **Senate Bill 131** creates a council of state agencies called the Interagency Pharmacy Purchasing Council, to explore various ways to keep costs down when buying drugs and pooling risk for pharmacy services among the agencies.
- **Senate Bill 271** aligns New Mexico law with federal changes enacted in 2013 and allows the Board of Pharmacy to license and regulate new types of pharmacy-related businesses.
- **Senate Bill 415** makes various changes to the Pharmacy Benefits Manager Regulation Act.
- **Senate Bill 394** makes changes to pharmacy audit guidelines and requirements.

# Chaptered HHS Legislation

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## ■ OPIOIDS

- **Senate Bill 221** requires doctors who prescribe or provide a five-day supply or more of an opioid pain reliever to also prescribe an overdose antidote with instructions on administering the antidote and calling 911.

## ■ BEHAVIORAL HEALTH / CORRECTIONS

- **House Bill 43** requires that HSD create a framework for adult and juvenile offenders that will support their behavioral health needs in jail and connect them with services when they are released.

## ■ TRIBAL / COUNTY / LOCAL HEALTH

- **House Bill 137** creates the County and Tribal Health Councils Act to allow county commissioners or tribal leadership to create county or tribal health councils to prepare and update health plans that inventory health resources, identify health priorities and develop strategies to address those priorities
- **Senate Bill 145** requires DOH to coordinate with local and regional emergency medical services to develop and implement triage and transport plans for STEMI patients

# Chaptered HHS Legislation

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- MISC

- **House Bill 66** requires facilities that perform mammograms to include a notice to a patient whose test results indicate that the patient's breast tissue density is heterogeneously dense or extremely dense.
- **House bill 638** requires DOH to provide information and education regarding bone marrow donations.