

**MINUTES  
of the  
NINTH MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**November 12, 2020  
Video Conference Meeting**

The ninth meeting of the Legislative Health and Human Services Committee (LHHS) was called to order by Senator Gerald Ortiz y Pino, chair, on November 12, 2020 at 9:12 a.m. by video and audio conference via an online platform.

**Present**

Sen. Gerald Ortiz y Pino, Chair  
Rep. Deborah A. Armstrong, Vice Chair  
Rep. Gail Armstrong  
Rep. Joanne J. Ferrary  
Sen. Bill B. O'Neill

**Absent**

Sen. Gregg Fulfer  
Rep. D. Wonda Johnson  
Sen. Cliff R. Pirtle

**Advisory Members**

Rep. Karen C. Bash  
Rep. Micaela Lara Cadena  
Rep. Art De La Cruz  
Rep. Rebecca Dow  
Rep. Miguel P. Garcia  
Sen. Gay G. Kernan  
Sen. Linda M. Lopez  
Rep. Tara L. Lujan  
Sen. Michael Padilla  
Sen. Mary Kay Papen  
Sen. Nancy Rodriguez  
Rep. Patricia Roybal Caballero  
Sen. Antoinette Sedillo Lopez  
Rep. Linda Serrato  
Sen. William P. Soules  
Sen. Elizabeth "Liz" Stefanics  
Rep. Elizabeth "Liz" Thomson  
Rep. Christine Trujillo

Rep. Phelps Anderson  
Rep. Rachel A. Black  
Rep. Zachary J. Cook  
Rep. Doreen Y. Gallegos  
Rep. Dayan Hochman-Vigil  
Rep. Rodolpho "Rudy" S. Martinez  
Sen. Mark Moores  
Rep. Andrea Romero  
Rep. Gregg Schmedes  
Sen. Bill Tallman

**Guest Legislators**

Rep. Marian Matthews  
Rep. Willie D. Madrid  
Rep. Angelica Rubio

## **Staff**

Andrea Lazarow, Bill Drafter, Legislative Council Service (LCS)

Sabina Gaynor, Bill Drafter, LCS

Ariel MacMillan-Sanchez, Bill Drafter, LCS

Nancy Martinez, Research Assistant, LCS

## **Minutes Approval**

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

## **Handouts**

Handouts and other written testimony are in the meeting file and are posted on the legislature's website.

## **Thursday, November 12**

### **Welcome and Introductions (9:12 a.m.)**

Senator Ortiz y Pino welcomed the committee and introduced the presentations of the day.

### **Child Well-Being Panel (9:31 a.m.)**

Two panels on child well-being, consisting of the J. Paul Taylor Early Childhood Task Force Report and New Mexico KIDS COUNT Update: Child Well-Being Before and During the COVID-19 Pandemic, provided presentations to the committee.

#### **A. J. Paul Taylor Early Childhood Task Force Report (9:31 a.m.)**

Andrew Hsi, M.D., M.P.H., professor, Department of Pediatrics, University of New Mexico Health Sciences Center; Susan Merrill, L.C.S.W., community and social services coordinator, Maternal and Child Health Department, Department of Health, and Comprehensive Addiction Recovery Act (CARA) navigator, Children, Youth and Families Department (CYFD); Tristin Maroney, M.D., federal reporting and policy supervisor, Protective Services Division, and CARA navigator and program supervisor, CYFD, provided a presentation to the committee on the report of the J. Paul Taylor Early Childhood Task Force. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%2011220%20Item%201%20A.PDF>.

Questions and comments from committee members included the following:

- what is the status on the budget of the task force, and would a recurring appropriation be necessary;
- care coordination may be a necessary addition to the budget, either this year or next year;

- whether panelists are working with the secretary of early childhood education and care;
- whether funding of the task force allows it to consider health outcomes and access to services in its evaluation;
- whether managed care organizations are contributing funding for the task force;
- what methods are used to conduct screening for domestic violence and substance abuse, and do those methods evaluate alcoholism;
- whether legislative action should be taken to mandate cooperation with the efforts of the task force;
- whether legalization of cannabis would be beneficial to individuals assisted by the work of the task force;
- whether the Santa Fe Recovery Center model should be replicated in other areas of the state;
- how many more facilities are needed to carry out the work of the task force, and where are these facilities needed;
- how are families being monitored for compliance with plans of care;
- how long is the average parent participating in the plan of care program;
- does the task force gather and track data on families who are participating in plans of care; and
- whether the panelists can provide data on the implementation of a plan of care task force and support provided to families with plans of care.

**B. New Mexico KIDS COUNT Update: Child Well-Being Before and During the COVID-19 Pandemic (10:50 a.m.)**

Amber Wallin, M.P.A., deputy director, New Mexico Voices for Children, provided a presentation to the committee regarding child well-being before and during the coronavirus disease 2019 pandemic. The presentation materials can be found here:

<https://www.nmlegis.gov/handouts/LHHS%2011220%20Item%201%20B.pdf>; and

<https://www.nmlegis.gov/handouts/LHHS%2011220%20Item%201%20B%20PPT.pdf>.

Questions and comments from committee members included the following:

- how can the state supplement future federal stimulus funds;
- whether the panelists are considering legislation that includes equity;
- whether the panelists could provide data on families that did not receive federal economic impact or relief benefits; and
- the legislature should consider what tax breaks are being provided and who is receiving those tax breaks.

***Kevin S. Case (11:26 a.m.)***

Therese Yanan, Esq., executive director, Native American Disability Law Center; Bette Fleishman, Esq., executive director, Pegasus Legal Services for Children; Sara Crecca, Esq., attorney and of counsel, Crecca Law Firm, and guardian ad litem and youth attorney, Pegasus

Legal Services for Children; and Gary Housepian, Esq., chief executive officer, Disability Rights New Mexico, provided a presentation to the committee regarding the *Kevin S.* case. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20111220%20Item%202%202.pdf>.

Questions and comments from committee members included the following:

- the committee should consider statutory changes that would facilitate the state's compliance with the *Kevin S.* settlement agreement;
- how can systemic and structural failures as mentioned in this case be prevented;
- whether other states have been successful in preventing the failures described;
- what has been done since 2006 to systemically address the overprescription of psychotropic medications to juveniles;
- whether both guidance and rules must be established by the CYFD under the settlement; and
- whether tribal governments are being engaged in developing the Indian Child Welfare Act (ICWA) proposal.

#### **Approval of Minutes (2:04 p.m.)**

Upon a motion by Representative Ferrary and seconded by Senator Stefanics, the minutes of the October 13, 2020 meeting were approved.

Upon a motion by Senator Stefanics and seconded by Representative Ferrary, the minutes of the October 21, 2020 and the October 27, 2020 meetings were approved.

#### **Public Comment (2:07 p.m.)**

Comments from members of the public included the following:

- Aaron Moore supports legislation that will be introduced to prevent discrimination of vouchers as a source of income in seeking housing;
- Angie Schneider, chief judge, Twelfth Judicial District, said that the Substitute Care Advisory Council (SCAC) statute should be amended because it lacks essential elements for the SCAC to fulfill its legal purpose and that a permanent system of monitoring is needed;
- Kandace Littlefoot commented that the ICWA faces serious threats at the federal level and that New Mexico should establish a statewide ICWA to expand its protection;
- Marilyn Beck stated that children in foster care report sleeping in the CYFD receiving center, not having sufficient food and experiencing over 10 placements in new locations;
- Marcy Oliver-Star echoed the concerns expressed by Marilyn Beck and stated that many foster parents struggle to find information to provide culturally competent care to the children they foster, and federal Coronavirus Aid, Relief, and Economic

Security Act funding should be evaluated to determine how it is utilized, specifically for providing foster care;

- Molly Jacobson stated that she was frustrated as a foster parent in accessing information and receiving adequate reimbursement for the care that she provided;
- Nat Dean expressed that there are rarely accommodations for those needing sign language interpreters;
- Salome Johnson stated that pediatric mental health should incorporate medical and behavioral health in future legislation;
- Sharon Finerelli provided an update on the coronavirus disease 2019 pandemic response by the New Mexico Alliance of Health Councils;
- Senator Rodriguez spoke about reports from hunger and poverty task forces; these reports were distributed by LHHS staff;
- Sherry Hooper spoke about the report from the task force created by Senate Memorial 3 from the 2020 legislative session; and
- Representative Angelica Rubio spoke about a paid sick leave bill that she would be proposing during the 2021 legislative session.

#### **Consideration of Legislation for Endorsement (3:15 p.m.)**

The committee considered bills proposed for endorsement. Endorsed legislation can be found here:

[https://www.nmlegis.gov/Committee/endorsed\\_legislation?CommitteeCode=LHHS&Year=2021](https://www.nmlegis.gov/Committee/endorsed_legislation?CommitteeCode=LHHS&Year=2021).

#### **Adjournment**

There being no further business before the committee, the meeting adjourned at 4:59 p.m.