



NEW MEXICO LEGISLATURE

# LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

2022 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE  
411 STATE CAPITOL  
SANTA FE, NEW MEXICO 87501  
(505) 986-4600  
[WWW.NMLEGIS.GOV](http://WWW.NMLEGIS.GOV)

# TABLE OF CONTENTS

INTERIM SUMMARY

WORK PLAN AND MEETING SCHEDULE

AGENDAS AND MINUTES

ENDORSED LEGISLATION



## INTERIM SUMMARY



## **Legislative Health and Human Services Committee 2022 Interim Summary**

During the 2022 interim, the Legislative Health and Human Services Committee (LHHS) held seven meetings over 19 days. The committee met in Taos, Gallup, Las Cruces, Albuquerque and Santa Fe. At its first meeting, the LHHS developed its work plan and decided to use the first half of the interim to delve into the following broad areas of concern: controlling the cost of prescription drugs; improving access to and the delivery of behavioral health care services, including treatment for substance use disorder; and addressing health care provider shortages.

With respect to controlling the cost of prescription drugs, the LHHS heard an update from the National Conference of State Legislatures about legislation pending or enacted in sister states, as well as presentations on regulating pharmacy benefits managers, the state's wholesale prescription drug importation program and establishing a board to develop and recommend strategies for lowering the cost of prescription drugs. The committee also invited representatives from the pharmaceutical industry to offer their perspectives.

Regarding behavioral health care services, the committee heard a presentation from the Council of State Governments about a model for diverting people with serious mental illness from the criminal justice system, as well as reports from the Interagency Behavioral Health Purchasing Collaborative, the Human Services Department and the University of New Mexico School of Medicine. Other highlights included presentations on recruiting behavioral health care providers, employing psychedelic therapy to treat trauma and the role of school-based health centers in providing behavioral health care services to youth. Throughout the interim, the LHHS also heard testimony from local substance use disorder treatment programs.

The LHHS heard presentations about health care provider shortages, including the University of New Mexico Health Sciences Center's annual workforce analysis. The Higher Education Department provided updates regarding funding for the expansion of nursing education programs and financial incentives for health care providers. The LHHS also heard testimony on licensing and entering into interstate compacts from the Regulation and Licensing Department, medical malpractice policy, hospital finance and insurance coverage and how these issues impact the state's ability to recruit and retain health care providers.

On the third day of each meeting during the first half of the interim, with the assistance of a facilitator, the committee members discussed which of the issues presented to prioritize. Upon reaching an agreement, the chairs appointed an individual member to provide the committee with a one-page summary and a brief presentation on the issue at the subsequent meeting, which would serve as a starting point for crafting substantive legislation, including appropriations. At its final meeting, the LHHS endorsed 16 bills.

Additionally, over the course of the 2022 interim, the LHHS heard reports from the Department of Health, the Vocational Rehabilitation Division of the Public Education Department and the Developmental Disabilities Council about services for individuals with developmental disabilities. The committee invited stakeholders to discuss initiatives for improving child welfare, with a focus on children in state custody or at risk of being placed in state custody. Finally, representatives of the Legislative Finance Committee provided the LHHS with an overview of the budget process.





## WORK PLAN AND MEETING SCHEDULE



**2022 APPROVED**  
**WORK PLAN AND MEETING SCHEDULE**  
**for the**  
**LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**Members**

Rep. Christine Trujillo, Chair  
Sen. Gerald Ortiz y Pino, Vice Chair  
Rep. Gail Armstrong  
Rep. Joanne J. Ferrary

Sen. David M. Gallegos  
Sen. Martin Hickey  
Sen. Antoinette Sedillo Lopez  
Rep. Elizabeth "Liz" Thomson

**Advisory**

Rep. Phelps Anderson  
Rep. Deborah A. Armstrong  
Rep. Karen C. Bash  
Rep. Rachel A. Black  
Rep. Micaela Lara Cadena  
Rep. Gail Chasey  
Rep. Rebecca Dow  
Sen. Katy M. Duhigg  
Rep. Kelly K. Fajardo  
Rep. Miguel P. Garcia  
Sen. Siah Correa Hemphill

Rep. D. Wonda Johnson  
Sen. Linda M. Lopez  
Rep. Tara L. Lujan  
Rep. Marian Matthews  
Rep. Roger E. Montoya  
Sen. Shannon D. Pinto  
Sen. Nancy Rodriguez  
Rep. Patricia Roybal Caballero  
Sen. Gregg Schmedes  
Sen. Elizabeth "Liz" Stefanics  
Sen. Bill Tallman

**Legislative Health and Human Services Committee (LHHS)**

The LHHS is a permanent joint committee of the legislature created pursuant to Section 2-13-1 NMSA 1978 and is responsible for studying the programs, agencies, policies and needs relating to health and human services, in addition to programs and services for children, families and the aging population. Because the Behavioral Health Subcommittee and the Disabilities Concerns Subcommittee were not created for the 2022 interim, the LHHS will address the issues that would otherwise be covered in the course of the work of those subcommittees.

**Work Plan**

At its organizational meeting, the LHHS chairs proposed and the members agreed to try a new approach to the interim. The committee will use the first half of the interim to focus on three issues: behavioral health, prescription drug costs and health care coverage.

During the first day of each meeting, the committee will hear testimony from stakeholders, including national experts, state agencies, advocates and members of the public, pertaining to one of these issues. At the end of the first day of each meeting, the committee chairs will lead a wrap-up session.

The committee will reserve the second day of each meeting to hear brief presentations on additional issues of concern.

On the third day of each meeting, the committee will revisit the issues heard on the first day by discussing the testimony received, formulating follow-up questions and engaging in brainstorming sessions in an effort to reach a consensus regarding legislative action necessary to address the issues. Once consensus is reached, the chairs will assign follow-up tasks and research questions to committee members and staff, who will work together to craft proposed legislation for discussion at the subsequent meeting. After receiving feedback, staff will work with the committee to revise the proposed legislation in time for the LHHS chairs to present it to the Legislative Finance Committee (LFC) when the LFC considers budget priorities in the fall.

### Behavioral Health

At its July meeting, the committee will focus on developing a comprehensive plan to improve the delivery of behavioral health services, including the treatment of substance use disorder. The LHHS will invite the executive vice president for University of New Mexico Health Sciences and chief executive officer of the University of New Mexico Health System to provide an assessment of behavioral health services available statewide and discuss initiatives for building and strengthening behavioral health systems, based on his work in other parts of the country. Additionally, the committee plans to invite representatives from the Interagency Behavioral Health Purchasing Collaborative to outline plans for using funds appropriated during the last regular legislative session. The LHHS also plans to hear the key findings from the behavioral health town hall, facilitated by New Mexico First. The committee will invite representatives from the Medical Assistance Division of the Human Services Department to discuss behavioral health services currently available to Medicaid recipients and whether and how the 1115 Waiver renewal application will impact delivery of those services. Finally, the committee will consider programs that divert mentally ill individuals from the criminal justice system and into comprehensive care, including treatment and case management, and their outcomes.

### Prescription Drug Costs

The LHHS will focus on controlling the cost of prescription drugs at its August meeting. The committee will hear testimony from state agencies regarding the development of a wholesale prescription drug importation plan pursuant to Senate Bill 1 (2020). The committee will revisit proposed legislation that would create a prescription drug affordability board. The LHHS will also invite national experts to provide an overview of state and the federal government approaches to tackling this issue. As in years past, to provide a range of perspectives on the issue, the committee will invite representatives from the pharmaceutical industry and prescription benefit managers as well as consumer advocates to testify.

### Health Care Coverage

The committee's September meeting will focus on extending health care coverage to the uninsured. The LHHS will invite representatives from the Office of Superintendent of Insurance, BeWellnm, the New Mexico Medical Insurance Pool and the Medical Assistance Division of the Human Services Department as well as consumer advocates to testify about initiatives to expand coverage.

### Additional Issues of Concern

At the organizational meeting, committee members expressed interest in addressing additional issues of concern, including the following:

- services for individuals with intellectual and developmental disabilities;
- compensation for direct service providers;
- health care provider shortages;
- improving infant and maternal health outcomes; and
- support for victims of violent crime.

The committee will invite stakeholders to make brief presentations on these issues over the course of the interim by reserving time on the second day of the first three meetings or later in the interim. The chairs will consider additional presentations from stakeholders on other topics as time allows.

### Reporting

The LHHS will receive statutorily required and legislatively requested reports from various working groups and task forces during the second part of the interim. Task forces that are not required by statute to present a report to the LHHS will be asked to submit the task force's annual report to LHHS staff for email distribution to committee members.

### Committee Endorsements

At its final meeting, the LHHS will hear brief presentations regarding proposed legislation pertaining to health and human services and requests for endorsement from members and non-members.

**Legislative Health and Human Services Committee  
2022 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
May 24	Santa Fe
July 11-13	Albuquerque
August 10-12	Taos
September 14-16	Gallup
October 5-7	Las Cruces
October 31-November 2	Santa Fe
November 28-30	Santa Fe

## AGENDAS AND MINUTES





**TENTATIVE AGENDA**  
**for the**  
**FIRST MEETING**  
**of the**  
**LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**Tuesday, May 24**

\*Members of the public may make comments during the public comment portion of the meeting by clicking the video icon beneath the meeting agenda on the LHHS [web page](#) and following instructions under the "Extra Information" section.



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

**May 24, 2022  
State Capitol, Room 322  
Santa Fe**

The first meeting of the Legislative Health and Human Services Committee (LHHS) was called to order by Representative Christine Trujillo, chair, on May 24, 2022 at 10:10 a.m. in Room 322 of the State Capitol in Santa Fe.

**Present**

Rep. Christine Trujillo, Chair  
Sen. Gerald Ortiz y Pino, Vice Chair  
Rep. Joanne J. Ferrary  
Sen. David M. Gallegos  
Sen. Martin Hickey  
Sen. Antoinette Sedillo Lopez  
Rep. Elizabeth "Liz" Thomson

**Absent**

Rep. Gail Armstrong

**Advisory Members**

Rep. Kelly K. Fajardo  
Rep. Miguel P. Garcia  
Rep. Tara L. Lujan  
Rep. Marian Matthews  
Sen. Shannon D. Pinto  
Sen. Nancy Rodriguez  
Rep. Patricia Roybal Caballero  
Sen. Elizabeth "Liz" Stefanics  
Sen. Bill Tallman

Rep. Phelps Anderson  
Rep. Deborah A. Armstrong  
Rep. Karen C. Bash  
Rep. Rachel A. Black  
Rep. Micaela Lara Cadena  
Rep. Gail Chasey  
Rep. Rebecca Dow  
Sen. Katy M. Duhigg  
Sen. Siah Correa Hemphill  
Rep. D. Wonda Johnson  
Sen. Linda M. Lopez  
Rep. Roger E. Montoya  
Sen. Bill B. O'Neill  
Sen. Gregg Schmedes

**Staff**

Andrea Lazarow, Bill Drafter, Legislative Council Service (LCS)  
Zander Dawson, Bill Drafter, LCS  
Erin Bond, Research Assistant, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

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

**References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

**Tuesday, May 24****Welcome and Introductions (10:10 a.m.)**

Representative Trujillo welcomed the committee, and the members in attendance introduced themselves. Raúl E. Burciaga, director, LCS, provided a presentation to the committee outlining a new approach to this year's LHHS interim.

**LHHS 2022 Work Plan and Meeting Schedule: Presentation (10:44 a.m.)**

Representative Trujillo and Senator Ortiz y Pino led a presentation on developing the 2022 work plan and finalizing the 2022 meeting schedule. The presentation on developing the work plan revolved around the committee's desire to select a list of issues on which the committee could focus during the 2022 interim. Representative Trujillo asked each member of the committee to provide a list of issues that the committee member would like to address.

**LHHS 2022 Work Plan and Meeting Schedule: Member Discussion (12:50 p.m.)**

Members of the committee discussed a list of issues on which the committee will focus during the 2022 interim.

**Public Comment (2:29 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 2:49 p.m.

Revised: July 11, 2022

**TENTATIVE AGENDA  
for the  
SECOND MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**July 11-13, 2022  
Continuing Education Building, Rooms B and C  
University of New Mexico  
Albuquerque**

**Monday, July 11**

- 8:30 a.m.           **Welcome and Introductions**  
—Representative Christine Trujillo, Chair, Legislative Health and Human Services Committee (LHHS)  
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS
- 9:00 a.m.           (1)    **Interagency Behavioral Health Purchasing Collaborative Updates**  
—Bryce Pittenger, L.P.C.C., Chief Executive Officer, Interagency Behavioral Health Purchasing Collaborative, Human Services Department (HSD)
- 10:00 a.m.          (2)    **Behavioral Health Services Available Through Medicaid**  
—Neal A. Bowen, Ph.D., Director, Behavioral Health Services Division, HSD  
—Annabelle Martinez, Bureau Chief, Benefits and Reimbursement Bureau, Medical Assistance Division, HSD
- 11:00 a.m.          (3)    **Access to Behavioral Health Care Employing the Project ECHO Model**  
—Sanjeev Arora, M.D., Founder and Executive Director, Project ECHO, and Professor, University of New Mexico (UNM) School of Medicine
- 11:45 a.m.           **Public Comment**
- 12:00 noon          **Lunch and Welcome to UNM**  
—Garnett S. Stokes, President, UNM
- 1:00 p.m.           (4)    **Strengthening Behavioral Health Systems**  
—Rodney McNease, Executive Director of Governmental Affairs, UNM Hospitals  
—Mauricio Tohen, M.D., Professor and Chair, Department of Psychiatry and Behavioral Sciences, UNM School of Medicine
- 2:00 p.m.           (5)    **Department of Health (DOH) Treatment Facilities**  
—Lea J. Harrison, Deputy Secretary of Facilities, DOH

- 3:00 p.m. (6) [Recommendations from the New Mexico First Statewide Town Hall on Behavioral Health](#)  
—Michael Barndollar, Board Member, New Mexico First  
—Melissa Toledo-Ontiveros, Board Member, New Mexico First

3:30 p.m. **Brainstorming Session**

4:00 p.m. **Recess**

**Tuesday, July 12**

8:45 a.m. **Reconvene**

- 9:00 a.m. (7) [School-Based Health Centers](#)  
—Nancy Rodriguez, Executive Director, New Mexico Alliance for School-Based Health Care  
—Kristin Oreskovich, D.N.P., C.P.N.P., Clinical Operations Manager, School-Based Health Care, DOH

- 9:30 a.m. (8) [Bernalillo County Behavioral Health Services](#)  
—Marcia Harris, Ph.D., Clinical Psychologist, Department of Behavioral Health Services, Bernalillo County  
—Reina Martinez, Department of Behavioral Health Services, Bernalillo County  
—Charlie Verploegh, Ph.D., Assistant Director, Bernalillo County Behavioral Health Initiative

- 10:00 a.m. (9) [Reducing Incarceration and Improving Outcomes for People with Frequent System Contact](#)  
—Amy Button, Project Manager, Behavioral Health, Council of State Governments (CSG) Justice Center  
—Hallie Fader-Towe, J.D., Deputy Division Director, Behavioral Health, CSG Justice Center

- 11:00 a.m. (10) [Preventing and Treating Sexual Assault](#)  
—Alexandria V. Taylor, M.P.A., Deputy Director, New Mexico Coalition of Sexual Assault Programs, Inc.

- 11:30 a.m. (11) [Naturopathic Medicine and Behavioral Health](#)  
—Lily-Marie Blecher, N.D., D.O.M.  
—Allison Donnell, N.D., D.O.M.  
—Andrea Bustamante, N.D., D.O.M.

12:00 noon **Lunch**

- 1:00 p.m. (12) [Diversion Programs](#)  
—Connie Elizabeth Vigil, Behavioral Health Master Plan Coordinator, Bernalillo County Behavioral Health Committee; President, Greater

Albuquerque Business Alliance

- 1:30 p.m. (13) [Psychedelic Therapy](#)  
—Marisa L. C de Baca, Board President, New Mexico Psychedelic Sciences Society  
—Lawrence Leeman, M.D., M.P.H., Professor, Family and Community Medicine, UNM School of Medicine; Medical Director, Milagro Program, UNM  
—Gerald Valentine, M.D.
- 2:00 p.m. (14) [Recommendations for Recruiting Behavioral Health Providers](#)  
—Jerry N. Harrison, Ph.D., Executive Director, New Mexico Health Resources, Inc.  
—Melissa Candelaria, Senior Recruiter, New Mexico Health Resources, Inc.
- 2:30 p.m. (15) [Pear Therapeutics](#)  
—Mark Mendoza, Director, State Government Affairs, Pear Therapeutics
- 3:00 p.m. (16) [Local Excise Tax on Alcohol](#)  
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS
- 3:30 p.m. **Brainstorming**
- 4:00 p.m. **Recess**

**Wednesday, July 13**

- 8:45 a.m. **Reconvene**
- 9:00 a.m. (17) [Understanding the Budget Process](#)  
—Charles Sallee, Deputy Director, Legislative Finance Committee
- 10:00 a.m. **Public Comment**
- 10:30 a.m. **Working Session**
- 12:00 noon **Lunch**
- 1:00 p.m. **Public Comment**
- 1:30 p.m. **Working Session**
- 4:00 p.m. **Adjourn**





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

**July 11-13, 2022  
Continuing Education Building, Rooms B and C  
University of New Mexico  
Albuquerque**

The second meeting of the Legislative Health and Human Services Committee (LHHS) was called to order by Representative Christine Trujillo, chair, on July 11, 2022 at 8:45 a.m. at the Continuing Education Building of the University of New Mexico (UNM) in Albuquerque.

**Present**

Rep. Christine Trujillo, Chair  
Sen. Gerald Ortiz y Pino, Vice Chair  
Sen. Antoinette Sedillo Lopez  
Rep. Elizabeth "Liz" Thomson (7/11, 7/12)

**Absent**

Rep. Gail Armstrong  
Rep. Joanne J. Ferrary  
Sen. David M. Gallegos  
Sen. Martin Hickey

**Advisory Members**

Rep. Karen C. Bash  
Rep. Rachel A. Black  
Rep. Gail Chasey  
Rep. Kelly K. Fajardo  
Rep. Miguel P. Garcia  
Sen. Siah Correa Hemphill (7/12)  
Sen. Linda M. Lopez (7/11, 7/13)  
Rep. Tara L. Lujan  
Rep. Marian Matthews  
Sen. Nancy Rodriguez (7/12, 7/13)  
Sen. Elizabeth "Liz" Stefanics (7/11, 7/13)  
Sen. Bill Tallman

Rep. Phelps Anderson  
Rep. Deborah A. Armstrong  
Rep. Micaela Lara Cadena  
Rep. Rebecca Dow  
Sen. Katy M. Duhigg  
Rep. D. Wonda Johnson  
Rep. Roger E. Montoya  
Sen. Shannon D. Pinto  
Rep. Patricia Roybal Caballero  
Sen. Gregg Schmedes

**Guest Legislators**

Rep. Stefani Lord  
Sen. Harold Pope (7/13)

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Andrea Lazarow, Bill Drafter, Legislative Council Service (LCS)  
Zander Dawson, Bill Drafter, LCS  
Erin Bond, Researcher, LCS

Laura Valdez, Facilitator, LCS

### **Guests**

The guest list is in the meeting file.

### **Handouts**

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

### **References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

## **Monday, July 11**

### **Welcome and Introductions (8:45 a.m.)**

Representative Trujillo welcomed everyone to the meeting, and members of the committee and staff introduced themselves.

### **Interagency Behavioral Health Purchasing Collaborative Updates (8:54 a.m.)**

Bryce Pittenger, L.P.C.C., chief executive officer, Interagency Behavioral Health Purchasing Collaborative, Human Services Department (HSD), provided a presentation on the Interagency Behavioral Health Purchasing Collaborative's history, ongoing programs and goals for the future. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=7/11/2022&ItemNumber=1>.

### **Behavioral Health Services Available Through Medicaid (9:44 a.m.)**

Neal A. Bowen, Ph.D., director, Behavioral Health Services Division, HSD, provided a presentation on the new 988 Crisis Now hotline. The presentation explained how the 988 hotline will work and outlined the plans for implementing the hotline. Annabelle Martinez, bureau chief, Benefits and Reimbursement Bureau, Medical Assistance Division, HSD, provided a presentation on the HSD's plans to expand access to behavioral health care services through Medicaid. Several initiatives to increase access to behavioral health care services were discussed, including the expansion of mobile crisis teams, the 988 hotline implementation and a comprehensive review of how providers are reimbursed through Medicaid. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071122%20Item%202%20A%20BHS.pdf>.

**Access to Behavioral Health Care Employing the Project ECHO Model (10:55 a.m.)**

Sanjeev Arora, M.D., founder and executive director, Project ECHO, and professor, UNM School of Medicine, provided an overview of the Project ECHO program. Dr. Arora also explained how Project ECHO has been used to increase access to behavioral health care services across New Mexico. Dr. Arora discussed his plans for expanding Project ECHO. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071122%20Item%203%20Project%20ECHO.pdf>.

**Public Comment (11:39 a.m.)**

A list of individuals making public comment is available in the meeting file.

**Lunch and Welcome to UNM (11:57 a.m.)**

Garnett S. Stokes, president, UNM, welcomed the committee to UNM.

**Strengthening Behavioral Health Systems (1:00 p.m.)**

Mauricio Tohen, M.D., professor and chair, Department of Psychiatry and Behavioral Sciences, UNM School of Medicine, provided a presentation on New Mexico's behavioral health care needs. Dr. Tohen gave an overview of the programs at the Department of Psychiatry and Behavioral Sciences at the UNM School of Medicine. Rodney McNease, executive director of governmental affairs, UNM Hospitals, outlined potential programs that could make behavioral health care more accessible and effective. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071122%20Item%204%20Strengthening%20BH%20Systems.pdf>.

**Department of Health (DOH) Treatment Facilities (2:00 p.m.)**

Lea J. Harrison, deputy secretary of facilities, DOH, provided a presentation on DOH behavioral health care facilities and explained the challenges that have been affecting the DOH behavioral health care facilities. The presentation explained how the Calf Canyon/Hermits Peak fire affected the New Mexico Behavioral Health Institute at Las Vegas. Other challenges that were discussed included staffing shortages and unclear admissions criteria. The presentation also included potential solutions for the challenges at the DOH behavioral health care facilities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071122%20Item%205%20DOH%20Facilities.pdf>.

**Recommendations from the New Mexico First Statewide Town Hall on Behavioral Health (2:30 p.m.)**

Michael Barndollar, board member, New Mexico First, and Melissa Toledo-Ontiveros, board member, New Mexico First, provided a presentation on the recommendations from the New Mexico First Statewide Town Hall on Behavioral Health. The recommendations included growing the behavioral health care workforce, leveraging and elevating lived experiences and

increasing housing for people in need of behavioral health care services. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=7/11/2022&ItemNumber=6>.

#### **Brainstorming Session (2:48 p.m.)**

Senator Ortiz y Pino, vice chair, LHHS, led the committee in a brainstorming session focused on thinking of ideas for potential legislation that could address the needs of the behavioral health care system in New Mexico.

#### **Recess**

The meeting recessed at 3:37 p.m.

#### **Tuesday, July 12**

#### **Reconvene**

The meeting reconvened at 9:01 a.m.

#### **School-Based Health Centers (9:06 a.m.)**

Laura Parajon, M.D., deputy secretary, DOH, explained the benefits of school-based health centers. Kristin Oreskovich, D.N.P., C.P.N.P., clinical operations manager, School-Based Health Care, DOH, and Nancy Rodriguez, executive director, New Mexico Alliance for School-Based Health Care, provided a combined presentation on school-based health centers. The presentation provided background information on school-based health centers and explained how school-based health centers expand access to behavioral health care for children. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071122%20Item%207%20SBHC.pdf>.

#### **Bernalillo County Behavioral Health Services (9:48 a.m.)**

Marcia Harris, Ph.D., clinical psychologist, Department of Behavioral Health Services, Bernalillo County; Reina Martinez, Department of Behavioral Health Services, Bernalillo County; and Charlie Verploegh, Ph.D., assistant director, Bernalillo County Behavioral Health Initiative, provided a presentation on the current behavioral health care programs in Bernalillo County. The presenters also explained their plans for expanding behavioral health care services in Bernalillo County. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=7/11/2022&ItemNumber=8>.

### **Reducing Incarceration and Improving Outcomes for People with Frequent System Contact (10:16 a.m.)**

Amy Button, project manager, Behavioral Health, Council of State Governments (CSG) Justice Center; Hallie Fader-Towe, J.D., deputy division director, Behavioral Health, CSG Justice Center; and Arthur W. Pepin, director, Administrative Office of the Courts, provided a presentation on several programs that help people in the justice system who have behavioral health issues. The programs include the Stepping Up Initiative, the States Supporting Familiar Faces Initiative and the New Mexico Supreme Court Commission on Mental Health and Competency. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071122%20Item%209%20Council%20of%20State%20Governments.pdf>.

### **Preventing and Treating Sexual Assault (10:55 a.m.)**

Alexandria V. Taylor, M.P.A., deputy director, New Mexico Coalition of Sexual Assault Programs, Inc.; Jess Clark, director of sexual violence prevention, New Mexico Coalition of Sexual Assault Programs, Inc.; and Stephanie Wood, executive director, Valencia Shelter Services, provided a presentation on sexual assault treatment programs. The presenters thanked the committee for funding that was provided during the 2022 legislative session. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071122%20Item%2010%20NMCSAP.pdf>.

### **Naturopathic Medicine and Behavioral Health (11:25 a.m.)**

Lily-Marie Blecher, N.D., D.O.M.; Allison Donnell, N.D., D.O.M.; and Andrea Bustamante, N.D., D.O.M., provided a presentation on naturopathic medicine. The presenters explained how naturopathic doctors can provide various forms of health care, including behavioral health care. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071122%20Item%2011%20Naturopaths.pdf>.

### **Diversion Programs (12:58 p.m.)**

Connie Elizabeth Vigil, behavioral health master plan coordinator, Bernalillo County Behavioral Health Committee, and president, Greater Albuquerque Business Alliance, gave a presentation that advocated for mental health diversion programs in the court system. The presentation highlighted a behavioral health diversion program in Miami, Florida that could be a model for potential diversion programs. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=7/11/2022&ItemNumber=12>.

### **Psychedelic Therapy (1:26 p.m.)**

Marisa L. C de Baca, board president, New Mexico Psychedelic Sciences Society; Lawrence Leeman, M.D., M.P.H., professor, Family and Community Medicine, UNM School of Medicine, and medical director, Milagro Program, UNM; and Gerald Valentine, M.D., provided

a presentation on the use of psilocybin and MDMA to treat mental illness. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071122%20Item%2013%20Psychadelics%20Therapy.pdf>.

#### **Recommendations for Recruiting Behavioral Health Providers (1:56 p.m.)**

Jerry N. Harrison, Ph.D., executive director, New Mexico Health Resources, Inc., and Melissa Candelaria, senior recruiter, New Mexico Health Resources, Inc., explained the challenges in recruiting more behavioral health care providers to New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=7/11/2022&ItemNumber=14>.

#### **Pear Therapeutics (2:25 p.m.)**

Mark Mendoza, director, State Government Affairs, Pear Therapeutics, provided a presentation on a new phone application designed to treat people with opioid use disorder. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=7/11/2022&ItemNumber=15>.

#### **Local Excise Tax on Alcohol (2:40 p.m.)**

Senator Ortiz y Pino provided a presentation on potential approaches for funding new behavioral health care initiatives. The presentation explored the merits of creating a local option excise tax on alcohol.

#### **Brainstorming (3:02 p.m.)**

Senator Ortiz y Pino led the committee in a brainstorming session focused on thinking of ideas for potential legislation that could address the needs of the behavioral health care system in New Mexico.

#### **Recess**

The meeting recessed at 4:19 p.m.

#### **Wednesday, July 13**

#### **Reconvene**

The meeting reconvened at 9:04 a.m.

#### **Understanding the Budget Process (9:05 a.m.)**

Charles Sallee, deputy director, Legislative Finance Committee (LFC), provided a presentation on the legislative budget process. The presentation gave an overview of the timeline for developing the budget and explained the methods that the LFC uses to develop the budget. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071122%20Item%2017%20LFC%20Budget.pdf>.

**Public Comment (10:12 a.m.)**

A list of individuals making public comment is available in the meeting file.

**Working Session (10:18 a.m.)**

The committee began work on developing legislation to address behavioral health care needs in New Mexico. The committee discussed issues related to behavioral health care and the potential solutions for the issues.

**Working Session (1:04 p.m.)**

The committee continued work on developing legislation to address behavioral health care needs in New Mexico.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 2:42 p.m.





Revised: August 8, 2022

**TENTATIVE AGENDA  
for the  
THIRD MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**August 10-12, 2022  
Bataan Hall  
University of New Mexico-Taos  
115 Civic Plaza Drive  
Taos**

**Wednesday, August 10**

- 8:30 a.m.           **Call to Order and Introductions**  
—Representative Christine Trujillo, Chair, Legislative Health and Human  
Services Committee (LHHS)  
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS
- 8:45 a.m.           **Welcome to University of New Mexico (UNM)-Taos**  
—Dr. Mary Gutierrez, Chancellor, UNM-Taos
- 9:00 a.m.           (1)   **State Strategies for Prescription Drug Access, Cost and Pricing**  
—Colleen Becker, Senior Policy Specialist, National Conference of State  
Legislatures
- 10:00 a.m.           (2)   **Access to Pharmacy Care**  
—Melanie A. Dodd, Pharm.D., Associate Dean for Clinical Affairs, and  
Associate Professor, Pharmacy Practice and Administrative Sciences,  
College of Pharmacy, UNM  
—Donald Godwin, Ph.D., Dean, College of Pharmacy, UNM  
—Micah Lansford, Pharm.D., Owner and Pharmacist, Roden-Smith  
Pharmacy, Clovis  
—Ashley Seyfarth, Pharm.D., Owner and Pharmacist in Charge, Kare Drug,  
Aztec and Bloomfield
- 11:00 a.m.           (3)   **Controlling Prescription Drug Costs: Consumer Perspective**  
—Jane Horvath, Principal, Horvath Health Policy  
—Joseph P. Sanchez, Ph.D., New Mexico State Director, AARP  
—Barbara K. Webber, M.S., Executive Director, Health Action New  
Mexico
- 11:45 a.m.           **Public Comment**

- 12:00 noon           **Lunch**
- 1:00 p.m.           (4)   **Pharmacy Supply Chain Stakeholders: Wholesalers**  
—Will Dane, Director, State Government Affairs, Healthcare Distribution Alliance
- 1:30 p.m.           (5)   **Pharmacy Supply Chain Stakeholders: Pharmacy Benefit Managers and Insurers**  
—Jonathan Buxton, Director, State Affairs, Pharmaceutical Care Management Association  
—Karlee Tebbutt, Regional Director, State Affairs, America's Health Insurance Plans
- 2:00 p.m.           (6)   **Pharmacy Supply Chain Stakeholders: Manufacturers**  
—Brett Michelin, Senior Director, State Government Affairs, Association for Accessible Medicines  
—Katelin Lucariello, Director, State Policy, Rocky Mountain Region, Pharmaceutical Research and Manufacturers of America
- 2:30 p.m.           (7)   **Primary Care Clinic Challenges**  
—David Roddy, Health Policy Director, New Mexico Primary Care Association
- 3:00 p.m.           (8)   **Medicaid Cost Savings Initiatives**  
—Alanna Dancis, C.N.P., Medical Director, Medical Assistance Division, Human Services Department
- 4:00 p.m.           **Brainstorming Session**
- 4:30 p.m.           **Recess**

**Thursday, August 11**

- 8:45 a.m.           **Reconvene**
- 9:00 a.m.           (9)   **Update: Wholesale Drug Importation Plan**  
—Courtney Lovato, R.Ph., Pharmacy Director, Public Health Division, Department of Health (DOH)  
—Aryan Showers, Policy Director, DOH  
—Russell Toal, Superintendent, Office of Superintendent of Insurance
- 9:30 a.m.           (10) **All-Payer Claims Database**  
—Kenneth Geter, Ph.D., Bureau Chief, Community and Health Systems Epidemiology Bureau, Epidemiology and Response Division, DOH

- 10:00 a.m. (11) [\*\*The New Mexico Prescription Drug Price Task Force\*\*](#)  
—Barbara L. McAneny, M.D., Chair, New Mexico Prescription Drug Price Task Force; Former President, American Medical Association; and Chief Executive Officer, New Mexico Oncology Hematology Consultants, Ltd.
- 10:30 a.m. (12) [\*\*Substance Use Disorder Treatment in Northern New Mexico\*\*](#)  
—Lawrence A. Medina, M.B.A., Rio Grande Alcoholism Treatment Program, Inc.
- 11:00 a.m. (13) [\*\*Expanding Rural Residencies: Our Experience\*\*](#)  
—Nora Lamartine, M.D., El Centro Family Health, Taos
- 11:30 a.m. **Public Comment**
- 12:00 noon **Lunch**
- 1:00 p.m. (14) [\*\*Update: Center on Alcohol, Substance Use and Addictions\*\*](#)  
—Katie Witkiewitz, Ph.D., Distinguished Professor, Department of Psychology, and Director, Center on Alcohol, Substance Use and Addictions, UNM
- 1:30 p.m. (15) [\*\*Office of the State Medical Investigator\*\*](#)  
—Heather S. Jarrell, M.D., Chief Medical Investigator, Office of the State Medical Investigator, and Director of Neuropathology and Associate Professor of Pathology, UNM
- 2:00 p.m. **Brainstorming Session**
- 3:00 p.m. **Recess**
- Friday, August 12**
- 8:45 a.m. **Reconvene**
- 9:00 a.m. **Public Comment**
- 9:15 a.m. (16) [\*\*Working Session\*\*](#)
- 12:00 noon **Lunch**
- 1:00 p.m. **Public Comment**
- 1:15 p.m. **Working Session**

3:00 p.m.

**Adjourn**

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

**August 10-12, 2022  
Bataan Hall  
University of New Mexico-Taos  
115 Civic Plaza Drive  
Taos**

The third meeting of the Legislative Health and Human Services Committee was called to order by Representative Christine Trujillo, chair, on August 10, 2022 at 8:57 a.m. at the University of New Mexico (UNM)-Taos.

**Present**

Rep. Christine Trujillo, Chair  
Sen. Gerald Ortiz y Pino, Vice Chair  
Rep. Gail Armstrong (8/10, 8/11)  
Rep. Joanne J. Ferrary  
Sen. David M. Gallegos (8/12)  
Sen. Antoinette Sedillo Lopez  
Rep. Elizabeth "Liz" Thomson

**Advisory Members**

Rep. Gail Chasey (8/10)  
Rep. Kelly K. Fajardo (8/11)  
Sen. Linda M. Lopez (8/11)  
Rep. Roger E. Montoya  
Sen. Shannon D. Pinto (8/11)  
Sen. Nancy Rodriguez  
Sen. Elizabeth "Liz" Stefanics (8/10)

**Absent**

Sen. Martin Hickey

Rep. Phelps Anderson  
Rep. Karen C. Bash  
Rep. Rachel A. Black  
Rep. Micaela Lara Cadena  
Rep. Rebecca Dow  
Sen. Katy M. Duhigg  
Rep. Miguel P. Garcia  
Sen. Siah Correa Hemphill  
Rep. D. Wonda Johnson  
Rep. Tara L. Lujan  
Rep. Marian Matthews  
Rep. Patricia Roybal Caballero  
Sen. Gregg Schmedes  
Sen. Bill Tallman

**Guest Legislator**

Sen. Roberto "Bobby" J. Gonzales

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Andrea Lazarow, Bill Drafter, Legislative Council Service (LCS)  
Zander Dawson, Bill Drafter, LCS  
Grace Balderamos, Proofreader, LCS  
Hexuan Li, Intern, LCS  
Laura Valdez, Facilitator, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

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

**References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

**Wednesday, August 10****Welcome and Introductions (8:57 a.m.)**

Representative Trujillo welcomed everyone to the meeting, and members of the committee and staff introduced themselves.

**Welcome to UNM-Taos (9:11 a.m.)**

Dr. Mary Gutierrez, chancellor, UNM-Taos, welcomed the committee to UNM-Taos.

**Access to Pharmacy Care (9:16 a.m.)**

Donald Godwin, Ph.D., dean, College of Pharmacy, UNM, spoke about the impact of chronic disease and the role that pharmacists can play in addressing the issue. Melanie A. Dodd, Pharm.D., associate dean for clinical affairs and associate professor, Pharmacy Practice and Administrative Sciences, College of Pharmacy, UNM, discussed the benefits of having pharmacist clinicians. Micah Lansford, Pharm.D., owner and pharmacist, Roden-Smith Pharmacy, Clovis, and Ashley Seyfarth, Pharm.D., owner and pharmacist in charge, Kare Drug, Aztec and Bloomfield, explained the challenges that they face as independent rural pharmacists. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/10/2022&ItemNumber=2>.

**State Strategies for Prescription Drug Access, Cost and Pricing (10:08 a.m.)**

Colleen Becker, senior policy specialist, National Conference of State Legislatures, provided an overview of the strategies that other states are using to lower the cost of prescription drugs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%201%20NCSL.pdf>.

**Controlling Prescription Drug Costs: Consumer Perspective (10:52 a.m.)**

Jane Horvath, principal, Horvath Health Policy; Joseph P. Sanchez, Ph.D., New Mexico state director, AARP; and Barbara K. Webber, M.S., executive director, Health Action New Mexico, provided information on the high costs of prescription drugs. The presenters proposed creating a prescription drug affordability board to keep the cost of prescription drugs in check. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/10/2022&ItemNumber=3>.

**Public Comment (11:46 a.m.)**

A list of individuals making public comment is available in the meeting file.

**Pharmacy Supply Chain Stakeholders: Wholesalers (1:06 p.m.)**

Will Dane, director, State Government Affairs, Healthcare Distribution Alliance, explained the role that pharmaceutical wholesalers play in the pharmaceutical drug supply chain. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%204%20Wholesalers.pdf>.

**Pharmacy Supply Chain Stakeholders: Pharmacy Benefit Managers and Insurers (1:31 p.m.)**

Jonathan Buxton, director, State Affairs, Pharmaceutical Care Management Association, explained what pharmaceutical benefit managers do and how they fit into the pharmaceutical drug supply chain. Karlee Tebbutt, regional director, State Affairs, America's Health Insurance Plans, presented the health insurance industry's perspective on the issues in the pharmaceutical drug supply chain. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/10/2022&ItemNumber=5>.

**Pharmacy Supply Chain Stakeholders: Manufacturers (2:04 p.m.)**

Brett Michelin, senior director, State Government Affairs, Association for Accessible Medicines, outlined how generic and biosimilar pharmaceutical drugs can be low-cost alternatives to name-brand pharmaceutical drugs. Katelin Lucariello, director, State Policy, Rocky Mountain Region, Pharmaceutical Research and Manufacturers of America, provided the

pharmaceutical manufacturers' perspective on the issues causing the high cost of pharmaceutical drugs. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/10/2022&ItemNumber=6>.

#### **Primary Care Clinic Challenges (2:39 p.m.)**

David Roddy, health policy director, New Mexico Primary Care Association, provided an overview of the primary care industry in New Mexico. The presentation explained the challenges that primary care clinics and Federally Qualified Health Centers are confronting. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%207%20NM%20Primary%20Care%20Assoc.pdf>.

#### **Medicaid Cost Savings Initiatives (3:05 p.m.)**

Alanna Dancis, C.N.P., medical director, Medical Assistance Division, Human Services Department, provided a presentation on the New Mexico Medicaid Pharmacy Program. The presentation outlined some of the ongoing Medicaid programs that are focused on lowering prescription drug prices. Potential new Medicaid initiatives were also discussed. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%208%20Medicaid.pdf>.

#### **Brainstorming Session (3:22 p.m.)**

Representative Trujillo led the committee in a brainstorming session focused on thinking of ideas for potential legislation that could lower the cost of prescription drugs for New Mexicans.

#### **Recess**

The meeting recessed at 5:07 p.m.

#### **Thursday, August 11**

#### **Reconvene**

The meeting reconvened at 9:04 a.m.

#### **Update: Wholesale Drug Importation Plan (9:05 a.m.)**

Aryan Showers, policy director, Department of Health (DOH), began by explaining that there is ongoing litigation between the pharmaceutical industry and the United States Department of Health and Human Services and the United States Food and Drug Administration that is blocking states from moving forward with pharmaceutical drug importation plans. Russell Toal, superintendent, Office of Superintendent of Insurance, provided an overview of some of the



initiatives that New Mexico is undertaking to make prescription drugs more affordable. Courtney Lovato, R.Ph., pharmacy director, Public Health Division, DOH, explained the status of the drug importation plan on the federal level. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%209%20Wholesale%20Importation.pdf>.

**All-Payer Claims Database (9:44 a.m.)**

Kenneth Geter, Ph.D., bureau chief, Community and Health Systems Epidemiology Bureau, Epidemiology and Response Division, DOH, explained the benefits that an all-payer claims database can provide to doctors and patients. The presentation included an overview of the all-payer claims database implementation process. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%2010%20All%20Payer%20DOH.pdf>.

**The New Mexico Prescription Drug Price Task Force (10:09 a.m.)**

Barbara L. McAneny, M.D., chair, New Mexico Prescription Drug Price Task Force; former president, American Medical Association; and chief executive officer, New Mexico Oncology Hematology Consultants, Ltd., provided an update on the progress of the New Mexico Prescription Drug Price Task Force. The presentation included some of the task force's preliminary recommendations. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%2011%20Task%20Force.pdf>.

**Substance Use Disorder Treatment in Northern New Mexico (11:27 a.m.)**

Lawrence A. Medina, M.B.A., Rio Grande Alcoholism Treatment Program, Inc., explained the need for substance use disorder treatment in Taos County. The presentation outlined potential programs that could expand access to behavioral health treatment in rural areas. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%2012%20Rio%20Grande%20ATP.pdf>.

**Expanding Rural Residencies: Our Experience (12:11 p.m.)**

Nora Lamartine, M.D., El Centro Family Health, Taos; Nicole Mandall, M.P.H., director of operational development, New Mexico Primary Care Training Consortium; John Andazola, M.D., program director, Southern New Mexico Family Medicine Residency Program; and Mary Alice Scott, Ph.D., associate program director, Southern New Mexico Family Medicine Residency Program, provided a presentation on rural family medicine residency programs that train primary care physicians to practice in rural New Mexico. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%2013%20GME%20Expansion.pdf>.

**Public Comment (12:32 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Update: Center on Alcohol, Substance Use and Addictions (1:11 p.m.)**

Katie Witkiewitz, Ph.D., distinguished professor, Department of Psychology, and director, Center on Alcohol, Substance Use and Addictions, UNM, provided a presentation on the initiatives at UNM that address substance use and alcohol use issues in New Mexico. The presentation also outlined the academic programs at UNM that train behavioral health providers. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%2014%20CASAA.pdf>.

**Office of the State Medical Investigator (OMI) (1:36 p.m.)**

Heather S. Jarrell, M.D., chief medical investigator, OMI, and director of neuropathology and associate professor of pathology, UNM, provided an overview of operations at the OMI. She explained the challenges that the OMI faced during the COVID-19 pandemic. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20081022%20Item%2015%20OMI.pdf>.

**Approval of Minutes (3:03 p.m.)**

Upon a motion made and duly seconded, and without any objections, the committee approved the minutes of the May 24, 2022 and July 11-13, 2022 interim meetings.

**Recess**

The meeting recessed at 3:08 p.m.

**Friday, August 12**

**Reconvene**

The meeting reconvened at 9:03 a.m.

**Public Comment (9:09 a.m.)**

A list of individuals making public comment is available in the meeting file.

**Working Session (9:13 a.m.)**

The committee began work on developing legislation aimed at lowering the cost of prescription drugs in New Mexico. The committee discussed the issues that are causing the high price of prescription drugs and potential solutions for those issues.

**Working Session (10:30 a.m.)**

The committee continued work on developing legislation to address behavioral health care needs in New Mexico.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 11:56 a.m.



Revised: September 14, 2022

**TENTATIVE AGENDA  
for the  
FOURTH MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**September 14-16, 2022  
Student Services and Technology Center, Room 200  
University of New Mexico-Gallup  
705 Gurley Avenue  
Gallup**

**Wednesday, September 14**

- 8:30 a.m.           **Call to Order and Introductions**  
—Representative Christine Trujillo, Chair, Legislative Health and Human Services Committee (LHHS)  
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS
- 8:45 a.m.           **Welcome to the University of New Mexico (UNM)-Gallup**  
—Sabrina Ezzell, Interim Chancellor, UNM-Gallup
- 9:00 a.m.           (1)   **[The New Mexico Workforce Analysis Committee Report](#)**  
—Richard Larson, M.D., Ph.D., Vice President of Research, UNM Health Sciences Center (HSC)
- 9:45 a.m.           (2)   **[Building Health Care Systems](#)**  
—Douglas Ziedonis, M.D., Executive Vice President, UNM HSC; Chief Executive Officer (CEO), UNM Health System
- 10:30 a.m.          (3)   **[Licensing Health Care Providers](#)**  
—Sheena Ferguson, Executive Director, Board of Nursing  
—Sondra Frank, J.D., Executive Director, New Mexico Medical Board  
—Steven Jenkusky, Policy Director and Member, New Mexico Medical Board  
—Cheranne McCracken, Executive Director, Board of Pharmacy  
—Joe R. Anderson, Pharm.D., Assistant Dean for Curricular Affairs, College of Pharmacy, UNM  
—Linda Trujillo, Superintendent, Regulation and Licensing Department
- 11:30 a.m.          (4)   **[Price Models for Innovative Therapies](#)**  
—Brian Warren, Director, Government Affairs, Biotechnology Innovation Organization

- 12:15 p.m.           **Lunch**
- 1:00 p.m.           (5)   **Coverage Issues**  
—Colin Baillio, Project Manager, Office of Superintendent of Insurance (OSI)  
—Russell Toal, Superintendent of Insurance, OSI
- 1:30 p.m.           (6)   **Update: BeWell New Mexico and New Mexico Medical Insurance Pool**  
—Brent Earnest, Chief Operating Officer, New Mexico Health Insurance Exchange  
—Maureen Manring, Director of Communication and Outreach, BeWellnm, New Mexico Health Insurance Exchange  
—Russell Toal, Board Member, New Mexico Medical Insurance Pool
- 2:00 p.m.           (7)   **Nursing Workforce Issues**  
—Pamela K. Blackwell, J.D., Director of Government Relations and Communications, New Mexico Hospital Association (NMHA)  
—Tim Johnsen, R.N., M.B.A. F.A.C.H.E., Senior Vice President and Chief Operating Officer, Presbyterian Healthcare Services  
—R. Jonathan Lumibao, M.S.N., R.N., Director, Nursing Program, UNM-Gallup  
—Linda Siegle, Lobbyist for Nursing Organizations
- 3:00 p.m.           **Brainstorming Session**
- 4:00 p.m.           **Recess**

**Thursday, September 15**

- 8:45 a.m.           **Reconvene**
- 9:00 a.m.           (8)   **Growing Our Own Behavioral Health Care Providers**  
—Debra Martinez, Behavioral Health Investment Zone Manager, City of Gallup
- 9:30 a.m.           (9)   **Update: Rehoboth McKinley Christian Hospital**  
—Robert Whitaker, CEO, Rehoboth McKinley Christian Hospital
- 10:00 a.m.          (10) **Local Substance Use Disorder Recovery Resources**  
—Kevin Foley, Ph.D., Executive Director, Na'Nizhoozhi Center, Inc.  
—Barry Ore, Program Director, Four Corners Detox Recovery Center  
—Sherman Snyder, Chief Financial Officer, Santa Fe Recovery Center

- 11:00 a.m. (11) [Health Councils](#)  
—Gerilyn Antonio, Tribal Liaison, New Mexico Alliance of Health Councils (NMAHC)  
—Susan Wilger, Interim Executive Director, NMAHC
- 11:30 a.m. (12) [Update: The Health Security Plan Design](#)  
—Mary Feldblum, Ph.D., Executive Director, Health Security for New Mexicans Campaign
- 12:00 noon (13) [Centering Patients and Providers in the Health Care Provider Shortage](#)  
—Kathy Love, Attorney, McGinn, Montoya, Love and Curry
- 12:30 p.m. **Lunch**
- 1:00 p.m. (14) [Health Care Coverage in New Mexico: Filling in the Federal Affordable Care Act's Gaps](#)  
—Juliana Hernandez, Organizer, Strong Families New Mexico  
—Lan Sena, Policy Director, Center for Civic Policy  
—Alex Williams, Health Care Policy Advocate, New Mexico Center on Law and Poverty
- 1:30 p.m. (15) [How the Interagency Benefits Advisory Committee Agencies Purchase Health Care Services](#)  
—Randall Cherry, General Counsel, and Acting Director, Risk Management Division, General Services Department  
—Neil Kueffer, Executive Director, Retiree Health Care Authority
- 2:30 p.m. (16) [Financial Incentives for Health Care Providers](#)  
—Stephanie Rodriguez, Secretary, Higher Education Department (HED)  
—Harrison Rommel, Ph.D., Director, Institutional Finance and Financial Aid, HED
- 3:00 p.m. (17) [Addressing Physician Shortages](#)  
—Carrie Robin Brunder, Government Affairs, New Mexico Medical Society  
—Stacey Dimitt, M.D., Obstetrician, Family Practice, Cibola Family Health Center  
—Angelina Villas-Adams, M.D., Southwest Gastroenterology
- 3:30 p.m. (18) [Hospital Finance](#)  
—Troy Clark, President and CEO, NMHA  
—Frank Corcoran, R.N., CEO, Sierra Vista Hospital
- 4:30 p.m. **Recess**

**Friday, September 16**

8:45 a.m.	<b>Reconvene</b>
9:00 a.m.	<b>Public Comment</b>
9:15 a.m.	(19) <b><u><a href="#">Working Session</a></u></b>
12:00 noon	<b>Adjourn</b>



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

**September 14-16, 2022  
Student Services and Technology Center, Room 200  
University of New Mexico-Gallup  
705 Gurley Avenue  
Gallup**

The fourth meeting of the Legislative Health and Human Services Committee was called to order by Representative Christine Trujillo, chair, on September 14, 2022 at 8:52 a.m. at the University of New Mexico (UNM)-Gallup in Gallup.

**Present**

Rep. Christine Trujillo, Chair  
Sen. Gerald Ortiz y Pino, Vice Chair  
Rep. Gail Armstrong (9/14, 9/15)  
Rep. Joanne J. Ferrary  
Sen. Martin Hickey (9/15, 9/16)  
Sen. Antoinette Sedillo Lopez  
Rep. Elizabeth "Liz" Thomson

**Absent**

Sen. David M. Gallegos

**Advisory Members**

Rep. Phelps Anderson (9/14, 9/15)  
Rep. Gail Chasey (9/14)  
Rep. D. Wonda Johnson  
Sen. Linda M. Lopez (9/14, 9/15)  
Rep. Roger E. Montoya (9/15, 9/16)  
Sen. Shannon D. Pinto  
Sen. Nancy Rodriguez (9/14)  
Rep. Patricia Roybal Caballero (9/14, 9/15)  
Sen. Elizabeth "Liz" Stefanics (9/14, 9/15)

Rep. Karen C. Bash  
Rep. Rachel A. Black  
Rep. Micaela Lara Cadena  
Rep. Rebecca Dow  
Sen. Katy M. Duhigg  
Rep. Kelly K. Fajardo  
Rep. Miguel P. Garcia  
Sen. Siah Correa Hemphill  
Rep. Tara L. Lujan  
Rep. Marian Matthews  
Sen. Gregg Schmedes  
Sen. Bill Tallman

**Guest Legislators**

Rep. Christine Chandler (9/14, 9/15)  
Sen. George K. Munoz (9/14, 9/15)

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Andrea Lazarow, Bill Drafter, Legislative Council Service (LCS)  
Zander Dawson, Staff Attorney, LCS  
Cristina Vasquez, Staff Attorney, LCS  
Grace Balderamos, Proofreader, LCS  
Hexuan Li, Intern, LCS  
Laura Valdez, Facilitator, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

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

**References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

**Wednesday, September 14****Welcome and Introductions (8:52 a.m.)**

Representative Trujillo welcomed everyone to the meeting, and members of the committee and staff introduced themselves.

**Welcome to UNM-Gallup (9:00 a.m.)**

Sabrina Ezzell, interim chancellor, UNM-Gallup, welcomed the committee to UNM-Gallup.

**The New Mexico Workforce Analysis Committee Report (9:03 a.m.)**

Richard Larson, M.D., Ph.D., vice president of research, UNM Health Sciences Center (HSC), discussed the forthcoming New Mexico Health Care Workforce Committee annual report on licensed health care professionals and issues recommended for legislation.

**Building Health Care Systems (9:50 a.m.)**

Douglas Ziedonis, M.D., executive vice president, UNM HSC, and chief executive officer (CEO), UNM Health System, spoke about ways to strengthen and support health care systems, how to increase access to health care through workforce expansion and workforce retention strategies. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091422%20Item%202%20Health%20Care%20Systems.pdf>.

#### **Licensing Health Care Providers (10:49 a.m.)**

Sheena Ferguson, executive director, Board of Nursing; Sondra Frank, J.D., executive director, New Mexico Medical Board; Cheranne McCracken, executive director, Board of Pharmacy; Linda Trujillo, superintendent, Regulation and Licensing Department; Felicia Norvell, chief division counsel, Regulation and Licensing Department; and Arthur Culpepper, Health Licensing Bureau Chief, Regulation and Licensing Department, provided information on credentialing and licensing for health care providers in New Mexico and recommended that New Mexico join the Interstate Medical Licensure Compact as a way to streamline state medical board processes. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=9/14/2022&ItemNumber=3>.

#### **Price Models for Innovative Therapies (11:56 a.m.)**

Ty Trujillo, lobbyist, presented on the insurance reimbursement policy issues challenging patient access to new medical therapies and prospective payment models that could be implemented in New Mexico. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091422%20Item%204%20BIO.pdf>.

#### **Coverage Issues (1:01 p.m.)**

Russell Toal, superintendent of insurance, Office of Superintendent of Insurance (OSI), discussed the OSI's activities regarding coverage and affordability of health insurance in New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091422%20Item%205%20OSI.pdf>.

#### **Update: BeWell New Mexico and New Mexico Medical Insurance Pool (1:30 p.m.)**

Brent Earnest, chief operating officer, New Mexico Health Insurance Exchange; Maureen Manring, director of communication and outreach, BeWellnm, New Mexico Health Insurance Exchange; and Mr. Toal, board member, New Mexico Medical Insurance Pool, provided information on the upcoming New Mexico Health Insurance Exchange open enrollment and updates on the New Mexico Medical Insurance Pool. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=9/14/2022&ItemNumber=6>.

#### **Nursing Workforce Issues (2:09 p.m.)**

Pamela K. Blackwell, J.D., director of government relations and communications, New Mexico Hospital Association (NMHA); Tim Johnsen, R.N., M.B.A., F.A.C.H.E., senior vice president and chief operating officer, Presbyterian Healthcare Services; R. Jonathan Lumibao, M.S.N., R.N., director, Nursing Program, UNM-Gallup; and Linda Siegle, lobbyist for nursing organizations, spoke on nursing workforce shortages and strategies to address this problem. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=9/14/2022&ItemNumber=7>.

#### **Brainstorming Session (2:55 p.m.)**

Representative Trujillo led the committee in a brainstorming session focused on the shortage of health care providers and how to better provide access to the New Mexico Health Insurance Exchange for people in the state who are having trouble getting health insurance coverage.

#### **Recess**

The meeting recessed at 4:00 p.m.

#### **Thursday, September 15**

#### **Reconvene**

The meeting reconvened at 8:58 a.m.

#### **Growing Our Own Behavioral Health Care Providers (8:59 a.m.)**

Debra Martinez, behavioral health investment zone manager, City of Gallup; Art Romero, M.A., L.P.C.C., M.A.C., clinical supervisor; and Nicole Lujan, behavioral health coordinator, City of Gallup, discussed the City of Gallup's "Grow Our Own" pilot project designed to address the need for behavioral and mental health professionals in the Gallup area. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=9/14/2022&ItemNumber=8>.

#### **Update: Rehoboth McKinley Christian Hospital (9:18 a.m.)**

Robert Whitaker, CEO, Rehoboth McKinley Christian Hospital (RMCH), gave updates on the RMCH and concerns about the rising costs of health care and stagnant insurance reimbursement rates.

#### **Public Comment (9:36 a.m.)**

A list of individuals making public comment is available in the meeting file.

#### **Local Substance Use Disorder Recovery Resources (9:50 a.m.)**

Kevin Foley, Ph.D., executive director, Na'Nizhoozhi Center, Inc.; Barry Ore, program director, Four Corners Detox Recovery Center; and Sherman Snyder, chief financial officer, Santa Fe Recovery Center, provided an overview of their programs and discussed next steps and plans for expansion in building a continuum of care for individuals with substance use disorders. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=9/14/2022&ItemNumber=10>.

#### **Health Councils (10:57 a.m.)**

Gerilyn Antonio, tribal liaison, New Mexico Alliance of Health Councils (NMAHC); Susan Wilger, interim executive director, NMAHC; Teresa Meehan, Ph.D., executive director, Health and Human Services Division, Pueblo of Acoma; and Christopher Hudson, coordinator, McKinley Community Health Alliance, presented on the reach their programming has had on New Mexico communities and how they plan to continue building access to health care services. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=9/14/2022&ItemNumber=11>.

#### **Update: The Health Security Plan Design (11:30 a.m.)**

Mary Feldblum, Ph.D., executive director, Health Security for New Mexicans Campaign, spoke on issues around health care access, the rising cost of health care services and the proposed Health Security Act. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=9/14/2022&ItemNumber=12>.

#### **Centering Patients and Providers in the Health Care Provider Shortage (12:00 noon)**

Kathy Love, attorney, McGinn, Montoya, Love and Curry, LLC, discussed ways to alleviate provider shortages. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091422%20Item%2013%20Centering%20Patients%20and%20Providers.pdf>.

#### **Health Care Coverage in New Mexico: Filling in the Federal Affordable Care Act's Gaps (1:05 p.m.)**

Juliana Hernandez, organizer, Strong Families New Mexico; Lan Sena, policy director, Center for Civic Policy; and Alex Williams, health care policy advocate, New Mexico Center on Law and Poverty, presented on the Health Care Affordability Fund and how it has strengthened health care access in New Mexico by making existing insurance options more affordable and expanding coverage. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091422%20Item%2014%20Filling%20Gaps.pdf>.

### **How the Interagency Benefits Advisory Committee (IBAC) Agencies Purchase Health Care Services (1:27 p.m.)**

Randall Cherry, general counsel and acting director, Risk Management Division, General Services Department; Neil Kueffer, executive director, Retiree Health Care Authority; and Patrick Sandoval, interim executive director, Public School Insurance Authority, provided information on the IBAC agencies' request for proposals process and how the IBAC selects health care services for purchase. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091422%20Item%2015%20IBAC.pdf>.

### **Financial Incentives for Health Care Providers (2:18 p.m.)**

Stephanie Rodriguez, secretary, Higher Education Department (HED), and Harrison Rommel, Ph.D., director, Institutional Finance and Financial Aid, HED, discussed how the Opportunity Scholarship program, state funding for nurse expansion and faculty endowments and the Health Professional Loan Repayment Program are working to address the shortage of health care providers in New Mexico through financial incentives. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=9/14/2022&ItemNumber=16>.

### **Addressing Physician Shortages (2:31 p.m.)**

Carrie Robin Brunder, Government Affairs, New Mexico Medical Society; Stacey Dimitt, M.D., obstetrician, family practice, Cibola Family Health Center; and Angelina Villas-Adams, M.D., Southwest Gastroenterology, presented on the challenges of recruitment and retention of physicians in New Mexico and their proposed solutions. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091422%20Item%2017%20Addressing%20Physician%20Shortages.pdf>.

### **Hospital Finance (3:05 p.m.)**

Troy Clark, president and CEO, NMHA, and Frank Corcoran, R.N., CEO, Sierra Vista Hospital, gave an update on the status of hospital finance in New Mexico, growing concerns around workforce retention and recruitment and cuts to Medicaid provider rates. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091422%20Item%2018%20Hospital%20Finance.pdf>.

### **Approval of Minutes (3:47 p.m.)**

Upon a motion made and duly seconded, and without any objections, the committee approved the minutes of the August 10-12, 2022 meeting.

**Recess**

The meeting recessed at 4:28 p.m.

**Friday, September 16**

**Reconvene**

The meeting reconvened at 9:09 a.m.

**Public Comment (9:10 a.m.)**

A list of individuals making public comment is available in the meeting file.

**Working Session (9:24 a.m.)**

The committee discussed issues they would like to address through legislation and research.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 11:47 a.m.





Revised: October 5, 2022

**TENTATIVE AGENDA  
for the  
FIFTH MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**October 5-7, 2022  
Burrell College of Osteopathic Medicine  
3501 Arrowhead Drive, Room 208  
Las Cruces**

**Wednesday, October 5**

- 9:30 a.m.           **Call to Order and Introductions**  
—Representative Christine Trujillo, Chair, Legislative Health and Human Services Committee (LHHS)  
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS
- 10:00 a.m.       (1)   **What's New at the New Mexico State University (NMSU) School of Nursing (SON)**  
—Alexa Doig, Ph.D., R.N., Director, NMSU SON  
—Shelly Noe, D.N.P., Director, Psychiatric Mental Health Nurse Practitioner Program, NMSU SON
- 10:30 a.m.       (2)   **Introducing the NMSU Autism Diagnostic Center (ADC)**  
—Heike Lehnert-Lehouillier, Ph.D., C.C.C.-S.L.P., Interim Department Head, Department of Communication Disorders, NMSU  
—Victoria Almaguer, Clinic Director, NMSU ADC
- 11:00 a.m.       (3)   **Behavioral Health Care Initiatives in Dona Ana County (DAC)**  
—Jamie Michael, Director, Health and Human Services Department, DAC  
—Tenika Sosa-Gonzalez, B.S.N., R.N., P.M.H.-B.C., Chairperson, Protection and Advocacy for Individuals with Mental Illness Program  
—Jess Spohn, Clinical Director, Crisis Triage Center, DAC
- 12:00 noon       **Working Lunch**  
(4)   **100% Family Center: The One-Stop Service Hub**  
—Israel S. Chavez, Esq., Anna, Age Eight Institute, NMSU  
—Esther Devall, Ph.D., Professor Emeritus, NMSU  
—Marisa DeWolf, M.S., Children's Reading Alliance

- 1:00 p.m. (5) [Developmental Disabilities Council \(DDC\)](#)  
—Daniel Eckman, Program Manager, DDC  
—Alice Liu McCoy, Executive Director, DDC
- 2:00 p.m. (6) [Vocational Rehabilitation Division: Update](#)  
—Casey Stone-Romero, Director, Vocational Rehabilitation Division,  
Public Education Department
- 2:30 p.m. (7) [Medicaid Waiver Programs](#)  
—Erica Archuleta, Deputy Director, Medical Assistance Division (MAD),  
Human Services Department (HSD)  
—Melanie Buenviaje, Chief, Exempt Services and Programs Bureau, MAD,  
HSD  
—Jason Cornwell, Director, Developmental Disabilities Supports Division,  
Department of Health (DOH)
- 3:30 p.m. **Public Comment\***
- 3:45 p.m. **Brainstorming Session**
- 4:30 p.m. **Recess**

**Thursday, October 6**

- 9:30 a.m. (8) [Association of Developmental Disabilities Community Providers \(ADDCP\)](#)  
—Jim Copeland, Executive Director, ADDCP  
—Ed Kaul, President and Chief Executive Officer (CEO), ARCA  
—Matt Poel, CEO, Great Livin'
- 10:00 a.m. (9) [Providing Direct Services](#)  
—Adrienne R. Smith, President and CEO, New Mexico Caregivers  
Coalition  
—Pamela Stafford, Organizing Director, New Mexico Caregivers in Action
- 10:30 a.m. (10) [Local Recovery Resources](#)  
—Armando Jalil, Program Director, Zia Recovery Center
- 11:30 a.m. (11) [Food Security Initiatives](#)  
—Lorenzo Alba, Jr., Executive Director, Casa de Peregrinos Food Program  
—Kendall Chavez, Food and Hunger Coordinator, Office of the Governor  
—Jeff M. Witte, Director/Secretary, New Mexico Department of  
Agriculture
- 12:00 noon **Lunch**

- 1:00 p.m. (12) [Environmental Health Issues](#)  
—Charles Goodmacher, M.A., New Mexico Environmental Public Health Network  
—Nathaniel Matthews-Trigg, M.P.H., Center for Health and the Global Environment, University of Washington
- 1:30 p.m. (13) [Supportive Housing](#)  
—Al Galves, Psychologist; Member, Board of Directors, Community Service Corps  
—Jennifer Hughes, Outreach Worker, Oxford House, Las Cruces  
—Gene Larkin, Former Staff, Original Soteria House  
—Mary Martinez White, Secretary, Board of Directors, Community Service Corps; Statewide Magistrate DWI Drug Court Coordinator (retired), Administrative Office of the Courts
- 2:00 p.m. (14) [Nicotine: Prevention, Cessation and Licensing](#)  
—Esther Hoang, Program Manager, Nicotine Use Prevention and Control Program, Public Health Division, DOH  
—Britt Levine, Bureau Chief, Office of Primary Care and Rural Health, Public Health Division, DOH  
—Linda Siegle, Lobbyist, Cancer Action Network, American Cancer Society  
—Mahesh Sita, Director, Government Relations, American Heart Association  
—Andrew Vallejos, Director, Alcoholic Beverage Control Division and Member, Cannabis Regulatory and Advisory Committee, Regulation and Licensing Department
- 3:00 p.m. **Public Comment\***
- 3:15 p.m. **Brainstorming Session**
- 4:00 p.m. **Recess**

**Friday, October 7**

- 8:45 a.m. **Reconvene**
- 9:00 a.m. (15) [Update: Burrell College of Osteopathic Medicine \(BCOM\)](#)  
—John Hummer, M.H.A., President and Chief Executive Officer, BCOM
- 9:30 a.m. (16) [Working Session](#)

12:00 noon

**Adjourn**

\*Members of the public may make comments during the public comment portion of the meeting by clicking the video icon beneath the meeting agenda on the LHHS [web page](#) and following instructions under the "Extra Information" section.

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

**October 5-7, 2022  
Burrell College of Osteopathic Medicine  
3501 Arrowhead Drive, Room 208  
Las Cruces**

The fifth meeting of the Legislative Health and Human Services Committee was called to order by Representative Christine Trujillo, chair, on October 5, 2022 at 9:40 a.m. at the Burrell College of Osteopathic Medicine (BCOM) in Las Cruces.

**Present**

Rep. Christine Trujillo, Chair  
Rep. Joanne J. Ferrary  
Sen. Martin Hickey  
Rep. Elizabeth "Liz" Thomson

**Absent**

Sen. Gerald Ortiz y Pino, Vice Chair  
Rep. Gail Armstrong  
Sen. David M. Gallegos  
Sen. Antoinette Sedillo Lopez

**Advisory Members**

Rep. Rachel A. Black  
Rep. Micaela Lara Cadena (10/5)  
Rep. Rebecca Dow (10/5)  
Sen. Linda M. Lopez (10/6)  
Sen. Nancy Rodriguez (10/7)

Rep. Phelps Anderson  
Rep. Karen C. Bash  
Rep. Gail Chasey  
Sen. Katy M. Duhigg  
Rep. Kelly K. Fajardo  
Rep. Miguel P. Garcia  
Sen. Siah Correa Hemphill  
Rep. D. Wonda Johnson  
Rep. Tara L. Lujan  
Rep. Marian Matthews  
Rep. Roger E. Montoya  
Sen. Shannon D. Pinto  
Rep. Patricia Roybal Caballero  
Sen. Gregg Schmedes  
Sen. Elizabeth "Liz" Stefanics  
Sen. Bill Tallman

**Guest Legislator**

Sen. William P. Soules

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Andrea Lazarow, Bill Drafter, Legislative Council Service (LCS)  
Zander Dawson, Staff Attorney, LCS  
Cristina Vasquez, Staff Attorney, LCS  
Grace Balderamos, Proofreader, LCS  
Grecia Duarte, Intern, LCS  
Laura Valdez, Facilitator, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

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

**References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

**Wednesday, October 5****Welcome and Introductions (9:40 a.m.)**

Representative Trujillo welcomed everyone to the meeting, and members of the committee and staff introduced themselves.

**What's New at the New Mexico State University (NMSU) School of Nursing (SON) (9:46 a.m.)**

Alexa Doig, Ph.D., R.N., director, NMSU SON, gave updates on workforce shortages, recruitment, grants and the school's current programming. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20100522%20Item%201%20NMSU%20School%20of%20Nursing%20Update%20.pdf>.

**Introducing the NMSU Autism Diagnostic Center (ADC) (10:26 a.m.)**

Heike Lehnert-Lehouillier, Ph.D., C.C.C.-S.L.P., interim department head, Department of Communication Disorders, NMSU, and Victoria Almaguer, clinic director, NMSU ADC, discussed the evaluation process and current services available at the NMSU ADC. The presenters also explained their educational programming, funding sources and plans for the future. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20100522%20Item%202%20Autism%20Diagnostic%20Center.pdf>.

**Behavioral Health Care Initiatives in Dona Ana County (DAC) (11:06 a.m.)**

Jamie Michael, director, Health and Human Services Department, DAC; Tenika Sosa-Gonzalez, B.S.N., R.N., P.M.H.-B.C., chair, Protection and Advocacy for Individuals with Mental Illness Program; and Jess Spohn, clinical director, Crisis Triage Center, DAC, spoke on access to behavioral health care services, the new 988 Suicide and Crisis Lifeline telephone number and coordination of care and gave updates on the Dona Ana County Crisis Triage Center. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20100522%20Item%203%20Dona%20Ana%20County%20BH%20Initiatives.pdf>.

**100% Family Center: The One-Stop Service Hub (12:25 p.m.)**

Esther Devall, Ph.D., professor emeritus, NMSU; Marisa DeWolf, M.S., Children's Reading Alliance; and Dr. Timothy Hand, associate director, Anna, Age Eight Institute, NMSU, provided information on programming and future plans for the 100% New Mexico initiative and the Anna, Age Eight Institute. The presentation can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=10/5/2022&ItemNumber=4>.

**Developmental Disabilities Council (DDC) (1:11 p.m.)**

Daniel Eckman, program manager, DDC, and Alice Liu McCoy, executive director, DDC, gave updates on the Office of Guardianship and the Center for Self Advocacy and explained the evaluation of state-funded guardianship services through comprehensive service reviews. The presenters also spoke on supported decision-making agreements and the Office of the State Special Education Ombud and their duties. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20100522%20Item%205%20DDC.pdf>.

**Vocational Rehabilitation Division: Update (2:17 p.m.)**

Casey Stone-Romero, director, Vocational Rehabilitation Division, Public Education Department; Tina Montoya, human resources director, Vocational Rehabilitation Division, Public Education Department; and Therese "Terry" Trujillo, administrative services deputy director and chief financial officer, Vocational Rehabilitation Division, Public Education Department, presented on their organizational history, services and the federal regulations that guide the division. The speakers also discussed the vocational rehabilitation process, the division's school-to-work transition program, employment partners helping to build capacity and highlights of the division's annual report. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20100522%20Item%206%20Vocational%20Rehabilitation.pdf>.

### **Medicaid Waiver Programs (3:02 p.m.)**

Erica Archuleta, deputy director, Medical Assistance Division (MAD), Human Services Department (HSD); Melanie Buenviaje, chief, Exempt Services and Programs Bureau, MAD, HSD; and Jason Cornwell, director, Developmental Disabilities Supports Division, Department of Health (DOH), spoke on the allocation of services to individuals on the developmental disability waiver, as well as plans to eliminate the developmental disability waiver processing backlog. The presenters also gave information on the provider rates and capacity for supported living. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20100522%20Item%207%20Medicaid%20Waiver.pdf>.

### **Public Comment (3:37 p.m.)**

A list of individuals making public comment is available in the meeting file.

### **Recess**

The meeting recessed at 4:09 p.m.

## **Thursday, October 6**

### **Reconvene**

The meeting reconvened at 9:35 a.m.

### **Association of Developmental Disabilities Community Providers (ADDCP) (9:35 a.m.)**

Jim Copeland, executive director, ADDCP, and Matt Poel, chief executive officer (CEO), Great Livin', discussed the Developmental Disabilities Act and adequate funding to support services, including proposed legislation to provide additional funding to the DOH for provider rate increases. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=10/5/2022&ItemNumber=8>.

### **Providing Direct Services (10:02 a.m.)**

Adrienne R. Smith, president and CEO, New Mexico Caregivers Coalition, and Pamela Stafford, organizing director, New Mexico Caregivers in Action, presented on recruitment and retention efforts to address the shortage of direct support providers and proposed legislation to stabilize the direct support workforce. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=10/5/2022&ItemNumber=9>.



**Local Recovery Resources (10:26 a.m.)**

Armando Jalil, program director, Zia Recovery Center, gave an overview of the center's programming and the importance of the long-term services that the center provides, including a new community outpatient program.

**Food Security Initiatives (11:34 a.m.)**

Kendall Chavez, food and hunger coordinator, Office of the Governor; Jeff M. Witte, director/secretary, New Mexico Department of Agriculture; and Nancy Ryan, deputy director, Casa de Peregrinos Food Program, provided an update on food security initiatives in New Mexico. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20100522%20Item%2011%20Food%20Security.pdf>.

**Environmental Health Issues (1:07 p.m.)**

Charles Goodmacher, M.A., New Mexico Environmental Public Health Network; Nathaniel Matthews-Trigg, M.P.H., Center for Health and the Global Environment, University of Washington; and Tessa Abeyta, co-executive director, New Mexico Public Health Association, discussed the negative impact of climate change on the health of New Mexicans and proposed legislation to mitigate and address climate-related impacts. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20100522%20Item%2012%20Environmental%20Health.pdf>.

**Supportive Housing (1:30 p.m.)**

Al Galves, psychologist, and member, Board of Directors, Community Service Corps; Jennifer Hughes, outreach worker, Oxford House, Las Cruces; Gene Larkin, former staff, Original Soteria House; and Mary Martinez White, secretary, Board of Directors, Community Service Corps, and statewide Magistrate DWI Drug Court coordinator (retired), Administrative Office of the Courts, spoke on the benefits of the Soteria House supportive housing model for individuals with behavioral health issues, including better outcomes in employment, social functioning and managing their symptoms. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=10/5/2022&ItemNumber=13>.

**Nicotine: Prevention, Cessation and Licensing (2:01 p.m.)**

Esther Hoang, program manager, Nicotine Use Prevention and Control (NUPAC) Program, Public Health Division, DOH; Britt Levine, bureau chief, Office of Primary Care and Rural Health, Public Health Division, DOH; Linda Siegle, lobbyist, Cancer Action Network, American Cancer Society; Aryan Showers, director, Office of Policy and Accountability, DOH;

and Andrew Vallejos, director, Alcoholic Beverage Control Division, and member, Cannabis Regulatory and Advisory Committee, Regulation and Licensing Department, gave updates on the NUPAC Program and future goals. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=10/5/2022&ItemNumber=14>.

**Public Comment (3:14 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Recess**

The meeting recessed at 3:57 p.m.

**Friday, October 7**

**Reconvene**

The meeting reconvened at 9:05 a.m.

**Update: BCOM (9:06 a.m.)**

John Hummer, M.H.A., president and CEO, BCOM, and Pilar Faulkner, governmental affairs liaison, BCOM, gave an update on the BCOM.

**Working Session (9:43 a.m.)**

The committee continued work on developing legislation to address health care needs in New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=10/5/2022&ItemNumber=16>.

**Adjournment**

There being no further business before the committee, the meeting adjourned at 10:58 a.m.

Revised: October 31, 2022

**TENTATIVE AGENDA  
for the  
SIXTH MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**October 31–November 2, 2022  
State Capitol, Room 307  
Santa Fe**

**Monday, October 31**

- 8:30 a.m.           **Call to Order and Introductions**  
—Representative Christine Trujillo, Chair, Legislative Health and Human  
Services Committee (LHHS)  
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS
- 9:00 a.m.           (1)   **Maternal Mortality: Report and Recommendations**  
—Eirian Coronado, Epidemiologist and Manager, Maternal and Child  
Health Epidemiology Program, Family Health Bureau, Public Health  
Division, Department of Health (DOH)  
—Sunshine Muse, Executive Director, New Mexico Birth Equity  
Collaborative  
—Abigail Reese, Ph.D., Manager, Maternal Health Program, Family Health  
Bureau, Public Health Division, DOH  
—Dr. Corrine Sanchez, Executive Director, Tewa Women United
- 10:00 a.m.           (2)   **Improving Public Health Infrastructure**  
—Laura Parajon, M.D., M.P.H., Deputy Secretary, DOH  
—Aryan Showers, Director, Office of Policy and Accountability, DOH
- 11:00 a.m.           (3)   **Funding Behavioral Health Services**  
—Neal A. Bowen, Ph.D., Director, Behavioral Health Services Division,  
Human Services Department  
—Charles Sallee, Deputy Director, Legislative Finance Committee
- 12:00 noon           **Lunch**
- 1:00 p.m.           **Public Comment\***
- 1:15 p.m.           **Brainstorming Session**
- 2:15 p.m.           **Recess**

## **Tuesday, November 1**

- 9:00 a.m. (4) **Update: Home Health, Hospice and Personal Care Services in New Mexico**  
—Meggin Lorino, Executive Director, New Mexico Association for Home and Hospice Care (NMAHHC)  
—Vince Moffitt, President, Board of Directors, NMAHHC; CEO and President, Basin Home Health, Inc.
- 9:30 a.m. (5) **Update: Early Childhood Education and Care Department (ECECD)**  
—Elizabeth Groginsky, Secretary, ECECD  
—Janis Gonzales, M.D., M.P.H., F.A.A.P., Chief Health Officer, ECECD
- 11:00 a.m. (6) **Opioid Settlement**  
—Hector Balderas, Attorney General, Office of the Attorney General (OAG)  
—Cholla Khoury, Chief Deputy Attorney General, Civil Affairs, OAG  
—Brian McMath, Director, Consumer and Environmental Protection Division, OAG
- 12:00 noon **Lunch**
- 1:00 p.m. (7) **Trauma-Responsive Approaches to Policy and Systems Change**  
—Lilly Irvin-Vitela, M.C.R.P, President, Community Connects Consulting, LLC  
—Melissa Ontiveros, M.A., M.C.J., M.P.A., Director, Thriving Families Program, Community Action Agency of Southern New Mexico
- 1:30 p.m. (8) **Physical Therapy Services for the "Fourth Trimester"**  
—Melinda A Montoya, P.T., D.P.T., P.R.P.C., American Physical Therapy Association, New Mexico (APTA, NM)  
—Kim Parker-Guerrero, P.T., D.P.T., APTA, NM
- 2:00 p.m. (9) **Establishing a School of Public Health**  
—Tracie C. Collins, M.D., M.P.H., Dean, College of Population Health, University of New Mexico Health Sciences Center
- 2:30 p.m. (10) **Preventing Cancer: New Mexico HPV PAP Registry**  
—Cosette Wheeler, Ph.D., Director, New Mexico HPV PAP Registry, University of New Mexico Comprehensive Cancer Center
- 2:45 p.m. **Public Comment\***
- 3:00 p.m. **Brainstorming Session**
- 4:00 p.m. **Recess**

**Wednesday, November 2**

8:45 a.m.                **Reconvene**

9:00 a.m.            (11) **Anesthesiologist Assistants**

—Cassie Langhals, M.A., M.M.Sc., C.A.A., Vice President, Board of  
Directors, New Mexico Academy of Anesthesiologist Assistants  
(NMAAA)

—Abigail Moore, M.S., C.A.A., President, Board of Directors, NMAAA

—Scott Scanland, Lobbyist, NMAAA

9:30 a.m.            (12) **Working Session**

12:00 noon           **Adjourn**

\*Members of the public may make comments during the public comment portion of the meeting by clicking the video icon beneath the meeting agenda on the LHHS [web page](#) and following instructions under the "Extra Information" section.



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

**October 31-November 2, 2022  
State Capitol, Room 307  
Santa Fe**

The sixth meeting of the Legislative Health and Human Services Committee was called to order by Representative Christine Trujillo, chair, on October 31, 2022 at 9:06 a.m. in Room 307 of the State Capitol in Santa Fe.

**Present**

Rep. Christine Trujillo, Chair  
Sen. Gerald Ortiz y Pino, Vice Chair  
Rep. Joanne J. Ferrary  
Sen. Antoinette Sedillo Lopez  
Rep. Elizabeth "Liz" Thomson

**Absent**

Rep. Gail Armstrong  
Sen. David M. Gallegos  
Sen. Martin Hickey

**Advisory Members**

Rep. Micaela Lara Cadena (10/31)  
Rep. Gail Chasey  
Rep. Kelly K. Fajardo (11/1, 11/2)  
Sen. Linda M. Lopez  
Rep. Tara L. Lujan (11/1, 11/2)  
Rep. Roger E. Montoya (10/31, 11/1)  
Sen. Shannon D. Pinto (11/1, 11/2)  
Sen. Nancy Rodriguez (11/1, 11/2)  
Rep. Patricia Roybal Caballero (10/31, 11/1)  
Sen. Elizabeth "Liz" Stefanics (10/31, 11/1)  
Sen. Bill Tallman (10/31, 11/1)

Rep. Phelps Anderson  
Rep. Karen C. Bash  
Rep. Rachel A. Black  
Rep. Rebecca Dow  
Sen. Katy M. Duhigg  
Rep. Miguel P. Garcia  
Sen. Siah Correa Hemphill  
Rep. D. Wonda Johnson  
Rep. Marian Matthews  
Sen. Gregg Schmedes

**Guest Legislator**

Rep. Debra M. Sariñana (11/1, 11/2)

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Andrea Lazarow, Bill Drafter, Legislative Council Service (LCS)  
Zander Dawson, Staff Attorney, LCS  
Cristina Vasquez, Staff Attorney, LCS  
Grace Balderamos, Staff, LCS  
Hexuan Li, Intern, LCS

Laura Valdez, Facilitator, LCS

### **Guests**

The guest list is in the meeting file.

### **Handouts**

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

### **References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

### **Monday, October 31**

#### **Welcome and Introductions (9:06 a.m.)**

Representative Trujillo welcomed everyone to the meeting, and members of the committee and staff introduced themselves.

#### **Maternal Mortality: Report and Recommendations (9:09 a.m.)**

Eirian Coronado, epidemiologist and manager, Maternal and Child Health Epidemiology Program, Family Health Bureau, Public Health Division, Department of Health (DOH), and Abigail Reese, Ph.D., manager, Maternal Health Program, Family Health Bureau, Public Health Division, DOH, discussed New Mexico's maternal mortality statistics. Sunshine Muse, executive director, New Mexico Birth Equity Collaborative, provided information on maternal mortality rates in marginalized communities. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=10/31/2022&ItemNumber=1>.

#### **Improving Public Health Infrastructure (10:55 a.m.)**

Laura Parajon, M.D., M.P.H., deputy secretary, DOH, and Aryan Showers, director, Office of Policy and Accountability, DOH, provided a presentation that included recommendations on how the public health infrastructure in New Mexico can be strengthened. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20103122%20Item%202%20Public%20Health%20Infrastructure.pdf>.

#### **Funding Behavioral Health Services (11:33 a.m.)**



Charles Sallee, deputy director, Legislative Finance Committee, explained how much New Mexico spends on Medicaid and behavioral health programs. Neal A. Bowen, Ph.D., director, Behavioral Health Services Division, Human Services Department, provided a presentation on the current initiatives that the Interagency Behavioral Health Purchasing Collaborative is undertaking to address behavioral health issues. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=10/31/2022&ItemNumber=3>.

**Public Comment (1:01 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Brainstorming Session (1:13 p.m.)**

Representative Trujillo led the committee in a brainstorming session focused on ideas for potential legislation that could address the issues that have been presented to the committee.

**Recess**

The meeting recessed at 1:55 p.m.

**Tuesday, November 1**

**Reconvene**

The meeting reconvened at 9:10 a.m.

**Update: Home Health, Hospice and Personal Care Services in New Mexico (9:11 a.m.)**

Meggin Lorino, executive director, New Mexico Association for Home and Hospice Care (NMAHHC), and Vince Moffitt, president, Board of Directors, NMAHHC, and CEO and president, Basin Home Health, Inc., explained the challenges that personal care service providers are facing. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=10/31/2022&ItemNumber=4>.

**Update: Early Childhood Education and Care Department (ECECD) (9:57 a.m.)**

Elizabeth Groginsky, secretary, ECECD, and Janis Gonzales, M.D., M.P.H., F.A.A.P., chief health officer, ECECD, provided an update on the progress at the ECECD. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20103122%20Item%205%20ECECD.pdf>.

**Approval of Minutes (11:18 a.m.)**

Upon a motion made and duly seconded, and without any objections, the committee approved the minutes of the September 14-16, 2022 and October 5-7, 2022 meetings.

**Opioid Settlement (11:19 a.m.)**

Hector Balderas, attorney general, Office of the Attorney General (OAG); Cholla Khoury, chief deputy attorney general, Civil Affairs, OAG; and Brian McMath, director, Consumer and Environmental Protection Division, OAG, provided an update on the OAG's ongoing litigation against companies that contributed to the opioid addiction crisis in New Mexico.

**Trauma-Responsive Approaches to Policy and Systems Change (1:06 p.m.)**

Lilly Irvin-Vitela, M.C.R.P., president, Community Connects Consulting, LLC, and Melissa Ontiveros, M.A., M.C.J., M.P.A., director, Thriving Families Program, Community Action Agency of Southern New Mexico, provided a presentation on trauma-informed approaches to preventing adverse childhood experiences. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20103122%20Item%207%20Trauma%20Responsive%20Policy.pdf>.

**Physical Therapy Services for the "Fourth Trimester" (1:56 p.m.)**

Melinda A. Montoya, P.T., D.P.T., P.R.P.C., American Physical Therapy Association, New Mexico (APTA, NM), and Kim Parker-Guerrero, P.T., D.P.T., APTA, NM, explained the benefits and importance of post-partum care. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20103122%20Item%208%20Fourth%20Trimester.pdf>.

**Establishing a School of Public Health (2:21 p.m.)**

Tracie C. Collins, M.D., M.P.H., dean, College of Population Health, University of New Mexico Health Sciences Center, provided an update on the development of a future school of public health. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20103122%20Item%209%20School%20of%20Public%20Health.pdf>.

**Preventing Cancer: New Mexico HPV PAP Registry (2:49 p.m.)**

Cosette Wheeler, Ph.D., director, New Mexico HPV PAP Registry, University of New Mexico Comprehensive Cancer Center, and Rebecca Emeny, Ph.D., M.P.H., associate director, New Mexico HPV PAP Registry, University of New Mexico Comprehensive Cancer Center, provided a presentation that explained the importance of the New Mexico HPV PAP Registry. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20103122%20Item%2010%20HPV%20PAP%20Registry.pdf>.

**Public Comment (3:40 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Recess**

The meeting recessed at 3:47 p.m.

## **Wednesday, November 2**

### **Reconvene**

The meeting reconvened at 9:04 a.m.

### **Anesthesiologist Assistants (9:06 a.m.)**

Cassie Langhals, M.A., M.M.Sc., C.A.A., vice president, Board of Directors, New Mexico Academy of Anesthesiologist Assistants (NMAAA); Abigail Moore, M.S., C.A.A., president, Board of Directors, NMAAA; and Scott Scanland, lobbyist, NMAAA, provided a presentation that explained the importance of anesthesiologist assistants, while highlighting the challenges that they face. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=10/31/2022&ItemNumber=11>.

### **Working Session (9:51 a.m.)**

The committee continued work on developing legislation to address health and human services needs in New Mexico. The committee summarized the topics of focus that have been developed throughout the 2022 interim.

### **Adjournment**

There being no further business before the committee, the meeting adjourned at 10:35 a.m.



Revised: November 29, 2022

**TENTATIVE AGENDA  
for the  
SEVENTH MEETING  
of the  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**November 28-30, 2022  
State Capitol, Room 322  
Santa Fe**

**Monday, November 28**

- 8:30 a.m.           **Call to Order and Introductions**  
—Representative Christine Trujillo, Chair, Legislative Health and Human Services Committee (LHHS)  
—Senator Gerald Ortiz y Pino, Vice Chair, LHHS
- 9:00 a.m.           (1)   **Social Work Task Force**  
—Alvin L. Sallee, A.C.S.W., L.I.S.W., Chair, Social Work Task Force, Professor Emeritus, New Mexico State University  
—Katharine Briar-Lawson, Ph.D., M.S.W., Dean Emeritus and Professor, State University of New York at Albany  
—Eli Fresquez, L.I.S.W., L.C.S.W., Ph.D., First Chair, Board of Social Work Examiners, Social Work Task Force
- 10:00 a.m.           (2)   **Harm Reduction Program: Update**  
—Joshua Swatek, Program Manager, Harm Reduction Program, Public Health Division, Department of Health (DOH)  
—Aryan Showers, Director, Office of Policy and Accountability, DOH
- 10:30 a.m.           (3)   **Brain Injury Alliance of New Mexico (BIANM)**  
—Mark Pedrotty, Ph.D., BIANM
- 11:00 a.m.           (4)   **Cerebral Cavernous Malformations**  
—Michel Torbey, M.D., Chairman, Department of Neurology, University of New Mexico (UNM) Health Sciences Center  
—Christina Campos, Administrator, Guadalupe County Hospital
- 11:30 a.m.           **Public Comment\***
- 12:00 noon           **Lunch**
- 1:00 p.m.           (5)   **Medication-Assisted Treatment in the Community**

—Eric Ketcham, M.D., M.B.A., F.A.C.E.P., F.A.S.A.M., F.A.C.H.E.,  
F.A.A.E.M., Medical Director, New Mexico Treatment Services, LLC

1:30 p.m. (6) [Medication-Assisted Treatment in Prison](#)  
—Sergio Huerta, M.D., Medical Director, Recovery Services of New Mexico

2:00 p.m. (7) [Children, Youth and Families Department \(CYFD\): Update](#)  
—Barbara J. Vigil, Secretary, CYFD  
—Angela Medrano, Deputy Secretary, Human Services Department

3:15 p.m. **Recess**

## **Tuesday, November 29**

9:00 a.m. (8) [Acupuncture](#)  
—Yvette Arellano, D.O.M., L.M.T., Vice President and Legislative and Public Relations Chair, New Mexico Society for Acupuncture and Asian Medicine

9:30 a.m. (9) [Nurse Anesthetists](#)  
—Shannon Allen, D.N.A.P., C.R.N.A., President, Board of Directors, New Mexico Association of Nurse Anesthetists  
—Kristine Punohu, D.N.A.P., C.R.N.A.

10:00 a.m. (10) [Task Force Report: Unification of New Mexico Prisons and Jails](#)  
—Celeste Gander, Policy Specialist, Crime and Justice Institute (CJI)  
—Jessie Halladay, Senior Policy Analyst, CJI  
—Grace Philips, General Counsel, New Mexico Counties  
—Linda Freeman, Executive Director, New Mexico Sentencing Commission  
—Gary Maciel, Director, Adult Prisons Division, Corrections Department  
—Justin Porter, Administrator, Chaves County Detention Center

11:00 a.m. (11) [Kevin S. Update](#)  
—Gary Housepian, Chief Executive Officer (CEO), Disability Rights New Mexico  
—Sara Crecca, Attorney, Crecca Law Firm and Pegasus Legal Services for Children

12:00 noon **Lunch**

1:00 p.m. (12A) [Medical Malpractice A](#)  
—Representative Daymon Ely  
—Kathy Love, Attorney, McGinn, Montoya, Love and Curry

—Ezra Spitzer

- 1:30 p.m. (12B) [Medical Malpractice B](#)  
—Nick Autio, General Counsel, New Mexico Medical Society (NMMS)  
—Troy Clark, President and CEO, New Mexico Hospital Association  
—Annie Jung, Executive Director, NMMS  
—Todd Williams, M.D., President-Elect, NMMS  
—Christina Campos, Administrator, Guadalupe County Hospital
- 2:00 p.m. (13) [Alcohol Use in New Mexico](#)  
—Laura Tomedi, Ph.D., M.P.H., Assistant Professor, College of Population Health, UNM Health Sciences Center
- 2:30 p.m. (14) [Medical Debt Issues for Low-Income and Uninsured Patients](#)  
—Nicolas Cordova, Healthcare Director, New Mexico Center on Law and Poverty (NMCLP)  
—Fred Hyde, M.D., Fred Hyde and Associates, Inc. (remote)  
—Cholla Khoury, Chief Deputy Attorney General, Civil Affairs, Office of the Attorney General (OAG)  
—Brian McMath, Director, Consumer and Environmental Protection Division, OAG  
—Troy Clark, President and CEO, New Mexico Hospital Association
- 3:00 p.m. (15) [Medicaid Forward](#)  
—Nicolas Cordova, Healthcare Director, NMCLP  
—Lan Sena, Policy Director, Center for Civic Policy  
—Juliana Hernandez, Organizer, Strong Families New Mexico
- 3:30 p.m. **Public Comment\***
- 3:45 p.m. **Recess**

### **Wednesday, November 30**

- 9:15 a.m. **Reconvene**
- 9:30 a.m. (16) [Temporary Assistance for Needy Families](#)  
—Teague González, Public Benefits Director, NMCLP  
—Arika Sánchez, Director of Policy and Advocacy, New Mexico Child Advocacy Networks
- 10:30 a.m. (17) [Behavioral Health Parity](#)  
—Senator Martin Hickey, M.D.

11:00 a.m.      (18) [J. Paul Taylor Early Childhood Task Force: Recommendations](#)  
—Andrew C. Hsi, M.D., Professor Emeritus, Pediatrics, UNM Health Sciences Center  
—Susan Merrill, L.C.S.W., Social and Community Services Liaison for Children and Youth with Special Health Care Needs, DOH  
—Nicholas Sharp, M.P.H., Epidemiologist/Evaluator, Maternal Child Health Epidemiology Program, Public Health Division, DOH

12:00 noon      **Lunch**

1:00 p.m.      (19) [Endorsements](#)

3:00 p.m.      **Adjourn**

\*Members of the public may make comments during the public comment portion of the meeting by clicking the video icon beneath the meeting agenda on the LHHS [web page](#) and following instructions under the "Extra Information" section.



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

**November 28-30, 2022  
State Capitol, Room 322  
Santa Fe**

The seventh meeting of the Legislative Health and Human Services Committee was called to order by Representative Christine Trujillo, chair, on November 28, 2022 at 9:00 a.m. in Room 322 of the State Capitol in Santa Fe.

**Present**

Rep. Christine Trujillo, Chair  
Sen. Gerald Ortiz y Pino, Vice Chair  
Rep. Joanne J. Ferrary (11/28)  
Sen. Martin Hickey  
Sen. Antoinette Sedillo Lopez  
Rep. Elizabeth "Liz" Thomson

**Absent**

Rep. Gail Armstrong  
Sen. David M. Gallegos

**Advisory Members**

Rep. Gail Chasey  
Rep. Miguel P. Garcia (11/28)  
Sen. Siah Correa Hemphill (11/29, 11/30)  
Sen. Linda M. Lopez (11/28, 11/30)  
Rep. Tara L. Lujan (11/28)  
Rep. Marian Matthews (11/29)  
Sen. Shannon D. Pinto (11/28)  
Sen. Nancy Rodriguez (11/28, 11/29)  
Sen. Elizabeth "Liz" Stefanics (11/28)

Rep. Phelps Anderson  
Rep. Karen C. Bash  
Rep. Rachel A. Black  
Rep. Micaela Lara Cadena  
Rep. Rebecca Dow  
Sen. Katy M. Duhigg  
Rep. Kelly K. Fajardo  
Rep. D. Wonda Johnson  
Rep. Roger E. Montoya  
Rep. Patricia Roybal Caballero  
Sen. Gregg Schmedes  
Sen. Bill Tallman

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Andrea Lazarow, Bill Drafter, Legislative Council Service (LCS)  
Zander Dawson, Staff Attorney, LCS  
Cristina Vasquez, Staff Attorney, LCS  
Grace Balderamos, Staff, LCS  
Hexuan Li, Intern, 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.

## **Guests**

The guest list is in the meeting file.

## **Handouts**

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

## **References to Webcast**

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at [www.nmlegis.gov](http://www.nmlegis.gov), under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

## **Monday, November 28**

### **Welcome and Introductions (9:00 a.m.)**

Representative Trujillo welcomed everyone to the meeting, and members of the committee and staff introduced themselves.

### **Social Work Task Force (9:07 a.m.)**

Alvin L. Sallee, A.C.S.W., L.I.S.W., chair, Social Work Task Force, and professor emeritus, New Mexico State University; Katharine Briar-Lawson, Ph.D., M.S.W., dean emeritus and professor, State University of New York at Albany; and Eli Fresquez, L.I.S.W., L.C.S.W., Ph.D., first chair, Board of Social Work Examiners, Social Work Task Force, discussed the 2022 findings of the task force and gave recommendations for legislative action. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2022&ItemNumber=1>.

### **Harm Reduction Program: Update (10:01 a.m.)**

Joshua Swatek, program manager, Harm Reduction Program, Public Health Division, Department of Health (DOH), and Aryan Showers, director, Office of Policy and Accountability, DOH, presented on the current harm reduction, prevention and intervention services offered by the DOH and the need to expand these programs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%202%20Harm%20Reduction.pdf>.

**Brain Injury Alliance of New Mexico (BIANM) (10:28 a.m.)**

Mark Pedrotty, Ph.D., BIANM; Margot Feldvebel, L.C.S.W., BIANM; and Austin Davis, M.D., University of New Mexico (UNM) School of Medicine, spoke about brain injury and the need for comprehensive post-acute care systems for brain injury patients in New Mexico. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%203%20Brain%20Injury%20Alliance.pdf>.

**Cerebral Cavernous Malformations (11:02 a.m.)**

Michel Torbey, M.D., chair, Department of Neurology, UNM Health Sciences Center, and Christina Campos, administrator, Guadalupe County Hospital, discussed cerebral cavernous malformations and gave recommendations to the committee to make testing more widely available and to create an outreach program to educate the public and the medical community on the condition. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%204%20Cerebral%20Cavernous%20Malformations.pdf>.

**Public Comment (12:13 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Medication-Assisted Treatment in the Community (1:23 p.m.)**

Eric Ketcham, M.D., M.B.A., F.A.C.E.P., F.A.S.A.M., F.A.C.H.E., F.A.A.E.M., medical director, New Mexico Treatment Services, LLC, discussed opioid treatments and recommendations for statutory changes in the law that would make opioid treatment more accessible for people in rural communities by allowing nurses to administer the treatment. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%205%20MAT%20in%20Community.pdf>.

**Medication-Assisted Treatment in Prison (2:01 p.m.)**

Sergio Huerta, M.D., medical director, Recovery Services of New Mexico, presented on the success of medication-assisted treatment (MAT) programs and gave recommendations to the committee to increase access to MAT programs for individuals being held in prisons and jails by using opioid settlement funds. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%206%20MAT%20in%20Prison.pdf>.

**Children, Youth and Families Department (CYFD): Update (2:35 p.m.)**

Barbara J. Vigil, secretary, CYFD; Beth Gilia, deputy secretary, CYFD; Emily Martin, director, Protective Services Division, CYFD; Bryce Pittenger, L.P.C.C., chief executive officer

(CEO), Interagency Behavioral Health Purchasing Collaborative, Human Services Department (HSD); and Angela Medrano, deputy secretary, HSD, gave an update on the CYFD's implementation of the *Kevin S.* settlement. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2022&ItemNumber=7>.

#### **Approval of Minutes (4:01 p.m.)**

Upon a motion made and duly seconded, and without any objections, the committee approved the minutes of the October 31-November 2, 2022 meeting.

#### **Recess**

The meeting recessed at 4:02 p.m.

#### **Tuesday, November 29**

#### **Reconvene**

The meeting reconvened at 9:09 a.m.

#### **Acupuncture (9:10 a.m.)**

Yvette Arellano, D.O.M., L.M.T., vice president and chair, Legislative and Public Relations, New Mexico Society for Acupuncture and Asian Medicine, spoke about the benefits of acupuncture and gave recommendations to expand Medicaid coverage to include acupuncture. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2022&ItemNumber=8>.

#### **Nurse Anesthetists (9:46 a.m.)**

Shannon Allen, D.N.A.P., C.R.N.A., president, Board of Directors, New Mexico Association of Nurse Anesthetists, and Kristine Punohu, D.N.A.P., C.R.N.A., discussed the Nursing Practice Act and the barriers that act creates for certified registered nurse anesthetists to practice independently. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%209%20NMANA.pdf>.

#### **Task Force Report: Unification of New Mexico Prisons and Jails (10:08 a.m.)**

Celeste Gander, policy specialist, Crime and Justice Institute (CJI); Jessie Halladay, senior policy analyst, CJI; Grace Philips, general counsel, New Mexico Counties; Linda Freeman, executive director, New Mexico Sentencing Commission; and Justin Porter, administrator, Chaves County Detention Center, reported on the task force's 2022 findings and gave recommendations to the committee on how to start the process of unifying the prison and jail systems in New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2022&ItemNumber=10>.

**Kevin S. Update (10:52 a.m.)**

Gary Housepian, CEO, Disability Rights New Mexico; Sara Crecca, attorney, Crecca Law Firm and Pegasus Legal Services for Children; and Bette Fleishman, attorney, Pegasus Legal Services for Children, gave a plaintiff attorney's update on the implementation of the *Kevin S.* settlement and a brief overview of the 2021 Co-Neutrals' Annual Report. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2022&ItemNumber=11>.

**Medical Malpractice A (1:12 p.m.)**

Representative Daymon Ely; Kathy Love, attorney, McGinn, Montoya, Love and Curry, LLC; and Ezra Spitzer spoke about their personal experiences involving medical malpractice, the 2021 passage and implementation of House Bill (HB) 75 and the shortcomings of the Patient's Compensation Fund. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%2012%20Patient%20Centered.pdf>.

**Medical Malpractice B (1:43 p.m.)**

Nick Autio, general counsel, New Mexico Medical Society (NMMS); Troy Clark, president and CEO, New Mexico Hospital Association; Annie Jung, executive director, NMMS; Todd Williams, M.D., president-elect, NMMS; and Ms. Campos presented on the negative financial impact that HB 75 (2021) has had on medical providers and gave recommendations for mitigating the impact by amending the Medical Malpractice Act. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2022&ItemNumber=12>.

**Alcohol Use in New Mexico (2:15 p.m.)**

Laura Tomedi, Ph.D., M.P.H., assistant professor, College of Population Health, UNM Health Sciences Center, discussed excessive alcohol consumption in New Mexico and gave recommendations to the committee to implement public health measures to reduce the harm and cost of excessive alcohol consumption. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%2013%20NM%20Alcohol.pdf>.

**Medical Debt Issues for Low-Income and Uninsured Patients (2:35 p.m.)**

Nicolas Cordova, healthcare director, New Mexico Center on Law and Poverty (NMCLP); Fred Hyde, M.D., Fred Hyde and Associates, Inc.; Cholla Khoury, chief deputy attorney general, Civil Affairs, Office of the Attorney General; and Mr. Clark provided an overview of medical debt issues for low-income and uninsured patients. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2022&ItemNumber=14>.

**Medicaid Forward (3:03 p.m.)**

Mr. Cordova; Lan Sena, policy director, Center for Civic Policy; and Juliana Hernandez, organizer, Strong Families New Mexico, proposed that the legislature implement a plan that would raise Medicaid income caps, allow for New Mexicans to purchase Medicaid plans and use the federal match rate revenue to increase reimbursement rates for providers. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%2015%20Medicaid%20Forward.pdf>.

**Public Comment (3:27 p.m.)**

A list of individuals making public comment is available in the meeting file.

**Recess**

The meeting recessed at 4:51 p.m.

**Wednesday, November 30****Reconvene**

The meeting reconvened at 9:29 a.m.

**Temporary Assistance for Needy Families (TANF) (9:29 a.m.)**

Teague González, public benefits director, NMCLP, and Arika Sánchez, director, Policy and Advocacy, New Mexico Child Advocacy Networks, provided an overview of the TANF program and gave recommendations to make TANF more accessible to New Mexican families. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2022&ItemNumber=16>.

**Behavioral Health Parity (10:27 a.m.)**

Senator Hickey, M.D., presented on behavioral health parity and proposed legislation to increase quality of care. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%2017%20Mental%20Health%20Parity.pdf>.

**J. Paul Taylor Early Childhood Task Force: Recommendations (11:02 a.m.)**

Andrew C. Hsi, M.D., professor emeritus, Pediatrics, UNM Health Sciences Center; Susan Merrill, L.C.S.W., liaison, Social and Community Services for Children and Youth with Special Health Care Needs, DOH; and Nicholas Sharp, M.P.H., epidemiologist/evaluator, Maternal Child Health Epidemiology Program, Public Health Division, DOH, discussed the task force's 2022 findings and gave the committee legislative recommendations. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112822%20Item%2018%20Early%20Childhood%20Task%20Force.pdf>.

**Review of 2023 Legislation for Committee Endorsement (1:00 p.m.)**

Committee members discussed legislation for endorsement. The endorsed legislation can be found here:

[https://www.nmlegis.gov/Committee/endorsed\\_legislation?CommitteeCode=LHHS&Year=2023](https://www.nmlegis.gov/Committee/endorsed_legislation?CommitteeCode=LHHS&Year=2023).

**Adjournment**

There being no further business before the committee, the meeting adjourned at 1:37 p.m.





## ENDORSED LEGISLATION



SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO TAXATION; CREATING A GROSS RECEIPTS TAX DEDUCTION  
FOR TUITION FOR CERTAIN MEDICAL SCHOOL EDUCATION PROGRAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** A new section of the Gross Receipts and  
Compensating Tax Act is enacted to read:

"[NEW MATERIAL] DEDUCTION--GROSS RECEIPTS--TUITION FOR  
CERTAIN MEDICAL SCHOOL EDUCATION PROGRAMS.--

A. Prior to July 1, 2028, receipts from tuition for  
teaching or instructional services of a medical education  
program implemented by an accredited medical school to students  
who have been admitted to the accredited medical school may be  
deducted from gross receipts; provided that the accredited  
medical school is physically located on the campus of a state  
educational institution and the medical education program has

.222877.1

1 been implemented pursuant to an agreement with the state  
2 educational institution's board of regents.

3 B. As used in this section:

4 (1) "medical education program" means:

5 (a) a four-year degree program at an  
6 accredited medical school that culminates in a medical degree;  
7 or

8 (b) a formal medical education pursued  
9 after receipt of a medical degree, including an internship,  
10 residency, subspecialty or fellowship program, and that leads  
11 to state licensure and board certification; and

12 (2) "state educational institution" means a  
13 state educational institution named in Article 12, Section 11  
14 of the constitution of New Mexico."

15 SECTION 2. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2023.

17 - 2 -  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO BOARDS; ENACTING THE PRESCRIPTION DRUG  
AFFORDABILITY BOARD ACT; ESTABLISHING THE PRESCRIPTION DRUG  
AFFORDABILITY BOARD; CREATING THE PRESCRIPTION DRUG  
AFFORDABILITY BOARD FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Prescription Drug Affordability Board Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Prescription Drug Board Affordability Act:

A. "board" means the prescription drug  
affordability board;

B. "manufacturer" means an entity that:  
(1) engages in the manufacture of prescription  
drugs; or

.223040.1

underscored material = new  
[bracketed material] = delete

1 (2) enters into a lease with another entity to  
2 market or distribute a prescription drug under its own name;  
3 and

4 (3) sets or changes the wholesale acquisition  
5 cost of the prescription drug it manufactures or markets;

6 C. "pharmacy benefits manager" means an entity that  
7 provides pharmacy benefits management services;

8 D. "prescription drug" means a drug that is  
9 required by an applicable state or federal law or rule to be  
10 dispensed pursuant to a prescription or is restricted to use by  
11 licensed practitioners; or that is required by federal law to  
12 be labeled with any of the following statements prior to being  
13 dispensed or delivered:

14 (1) "Caution: federal law prohibits  
15 dispensing without prescription."; or

16 (2) "RX only."; and

17 E. "wholesale acquisition cost" means the  
18 manufacturer's list price for a prescription drug for  
19 wholesalers in the United States, not including other  
20 discounts, rebates or reductions in price.

21 SECTION 3. [NEW MATERIAL] PRESCRIPTION DRUG AFFORDABILITY  
22 BOARD CREATED.--

23 A. The "prescription drug affordability board" or  
24 "board" is created and is administratively attached to the  
25 office of superintendent of insurance.

1           B. The board consists of five members appointed as  
2 follows:

- 3                   (1) one member appointed by the governor;  
4                   (2) one member appointed by the president pro  
5 tempore of the senate;  
6                   (3) one member appointed by the minority floor  
7 leader of the senate;  
8                   (4) one member appointed by the speaker of the  
9 house of representatives; and  
10                  (5) one member appointed by the minority floor  
11 leader of the house of representatives.

12           C. The president pro tempore of the senate and the  
13 speaker of the house of representatives shall each appoint an  
14 alternative member to the board.

15           D. Members of the board are entitled to receive per  
16 diem and mileage pursuant to the Per Diem and Mileage Act and  
17 shall receive no other compensation, perquisite or allowance.

18           E. Board members shall have expertise in health  
19 care economics, the pharmaceutical market or clinical medicine.

20           F. A board member shall not be an employee of, a  
21 board member of or a consultant to a manufacturer or pharmacy  
22 benefits manager or their respective trade associations.

23           G. To the extent practicable and consistent with  
24 federal and state law, the membership of the board shall  
25 reflect the racial, ethnic and gender demographics of the

1 state.

2 H. A member or an alternative member may not be an  
3 employee of, a board member of or a consultant to a  
4 manufacturer or pharmacy benefits manager or their respective  
5 trade associations.

6 I. All initial appointments shall be made within  
7 six months of the effective date of the Prescription Drug  
8 Affordability Board Act. Board members shall serve four-year  
9 terms. The terms of the initial board members shall expire as  
10 follows:

11 (1) the members appointed by the minority  
12 floor leader of the senate and the minority floor leader of the  
13 house of representatives, December 31, 2025;

14 (2) the members appointed by the president pro  
15 tempore of the senate and the speaker of the house of  
16 representatives, December 31, 2026; and

17 (3) the member appointed by the governor,  
18 December 31, 2027.

19 J. A member of the board may be removed from the  
20 board by a vote of at least three members of the board if a  
21 member of the board fails to disclose a conflict of interest or  
22 for other good cause.

23 K. If there is a vacancy on the board, a new member  
24 of the board shall be appointed by the authority that appointed  
25 the former member to serve the remainder of the former member's

.223040.1



1 term.

2 L. The board members shall elect a chair and a vice  
3 chair of the board.

4 M. The board shall approve an annual plan of  
5 operations.

6 SECTION 4. [NEW MATERIAL] CONFLICTS OF INTEREST.--The  
7 board shall adopt a model code of ethics pursuant to the State  
8 Ethics Commission Act.

9 SECTION 5. [NEW MATERIAL] POWERS AND DUTIES OF THE  
10 BOARD.--The board shall:

11 A. develop strategies to lower the cost of  
12 prescription drugs for stakeholders, including consumers,  
13 health care providers, businesses and government;

14 B. recommend regulatory approaches to the office of  
15 superintendent of insurance and the legislature for lowering  
16 the cost of prescription drugs for stakeholders, including  
17 consumers, health care providers, businesses and government;

18 C. promulgate rules necessary for the  
19 implementation of the Prescription Drug Affordability Board  
20 Act;

21 D. enter into contracts with qualified parties for  
22 services necessary to conduct the powers and duties of the  
23 board;

24 E. examine the feasibility of contracting with a  
25 pharmacy benefits manager to lower the cost of prescription

.223040.1

1 drugs for stakeholders, including consumers, health care  
2 providers, businesses and government;

3 F. perform education and outreach activities about  
4 cost-saving initiatives for stakeholders, including consumers,  
5 health care providers, businesses and government; and

6 G. conduct public hearings.

7 SECTION 6. [NEW MATERIAL] PRESCRIPTION DRUG AFFORDABILITY  
8 BOARD FUND CREATED.--

9 A. As used in this section, "fund" means the  
10 prescription drug affordability board fund.

11 B. The "prescription drug affordability board fund"  
12 is created in the state treasury.

13 C. The board shall be funded by an annual  
14 assessment on:

15 (1) manufacturers licensed pursuant to the  
16 Pharmacy Act;

17 (2) wholesale distributors licensed pursuant  
18 to the Pharmacy Act; or

19 (3) pharmacy benefits managers licensed  
20 pursuant to the Pharmacy Benefits Manager Regulation Act.

21 D. The annual assessment per licensed manufacturer,  
22 wholesale distributor or pharmacy benefits manager shall not  
23 exceed two thousand dollars (\$2,000).

24 E. The board shall pay all assessments collected  
25 from annual assessments into the fund.

.223040.1

1 F. The state treasurer shall hold the fund  
2 separately, and the state treasurer shall account for the fund.

3 G. The fund shall be used only to provide funding  
4 for the board and for the purposes authorized pursuant to the  
5 Prescription Drug Affordability Board Act, including any costs  
6 expended by a state agency to implement that act.

7 H. The fund shall be invested and reinvested in the  
8 same manner as other state funds.

9 I. Any investment earnings shall be retained to the  
10 credit of the fund.

11 J. This section may not be construed to prohibit  
12 the fund from receiving money from any other source.

13 SECTION 7. [NEW MATERIAL] LEGISLATIVE REPORTS.--

14 A. On or before June 30, 2023, the board shall  
15 conduct a study of the state and national prescription drug  
16 market and recommend strategies for lowering the cost of  
17 prescription drugs.

18 B. On or before September 30 of each year,  
19 beginning in 2024, the board shall submit to the legislative  
20 finance committee and the legislative health and human services  
21 committee a report that includes:

22 (1) price trends for prescription drug  
23 products; and

24 (2) recommendations for legislation necessary  
25 to lower the cost of prescription drugs for stakeholders,

.223040.1

1 including consumers, health care providers, businesses and  
2 government.

3       **SECTION 8. APPROPRIATION.**--Seven hundred fifty thousand  
4 dollars (\$750,000) is appropriated from the general fund to the  
5 prescription drug affordability board for expenditure in fiscal  
6 year 2024 to establish the board and cover operational costs.  
7 Any unexpended or unencumbered balance remaining at the end of  
8 fiscal year 2024 shall revert to the general fund. The board  
9 shall reimburse the general fund for the full amount of the  
10 appropriation with assessments collected pursuant to Section 6  
11 of the Prescription Drug Affordability Board Act.

12       **SECTION 9. EFFECTIVE DATE.**--The effective date of the  
13 provisions of this act is July 1, 2023.

14                               - 8 -  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

underscored material = new  
[bracketed material] = delete

HOUSE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR A MATCH  
OF FEDERAL FUNDS FOR THE DEVELOPMENTAL DISABILITIES SUPPORTS  
DIVISION OF THE DEPARTMENT OF HEALTH TO INCREASE PROVIDER  
REIMBURSEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. APPROPRIATION.**--Seven million six hundred  
forty-six thousand one hundred forty-nine dollars (\$7,646,149)  
is appropriated from the general fund to the department of  
health for expenditure in fiscal year 2024 to match federal  
funds for the developmental disabilities supports division of  
the department of health to increase provider reimbursement.  
Any unexpended or unencumbered balance remaining at the end of  
fiscal year 2024 shall revert to the general fund.

.223181.1



SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO THE LEGISLATURE; PROVIDING YEAR-ROUND STAFF TO THE  
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE; REQUIRING  
COMPLIANCE WITH THE LEGISLATIVE HEALTH AND HUMAN SERVICES  
COMMITTEE'S AND ITS SUBCOMMITTEES' REQUESTS FOR INFORMATION;  
PROVIDING POWERS AND DUTIES; AMENDING AND ENACTING SECTIONS OF  
THE NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 2-13-1 NMSA 1978 (being Laws 1989,  
Chapter 349, Section 1) is amended to read:

"2-13-1. CREATION OF COMMITTEE--MEMBERS--APPOINTMENT--  
TERMS.--There is created a permanent joint interim committee of  
the legislature to be called the "legislative health and human  
services committee". The committee shall be composed of eight  
members. The New Mexico legislative council shall appoint four

.223226.2

underscored material = new  
[bracketed material] = delete

1 members from the house of representatives and four members from  
2 the senate. The house health and human services committee and  
3 the senate health and public affairs committee or future  
4 legislative standing committees that consider health and human  
5 services affairs shall be represented. At the time of making  
6 the appointment, the New Mexico legislative council shall  
7 designate the ~~[chairman]~~ chair and vice ~~[chairman]~~ chair of the  
8 committee. Members shall be appointed so as to give the two  
9 major political parties in each house the same proportionate  
10 representation on the committee as prevails in each house;  
11 provided, in no event shall either of such parties have less  
12 than one member from each house on the committee. Members may  
13 be removed from the committee by the New Mexico legislative  
14 council, at the request of the committee ~~[chairman]~~ chair, for  
15 nonattendance according to council policy. Vacancies on the  
16 committee, however caused, may be filled by the New Mexico  
17 legislative council, or the council may reduce the size of the  
18 committee by not making replacement appointments and in such  
19 case need not readjust party representation. No action shall  
20 be taken by the committee if a majority of the total membership  
21 from either house on the committee rejects such action."

22 SECTION 2. Section 2-13-2 NMSA 1978 (being Laws 1989,  
23 Chapter 349, Section 2) is amended to read:

24 "2-13-2. DUTIES OF THE COMMITTEE.--The legislative health  
25 and human services committee shall ~~[conduct a continuing study~~



of]:

A. direct the director of the legislative health and human services committee in the director's work;

B. monitor and oversee the programs, agencies, policies, issues and needs relating to health and human services, including ~~[review and study]~~ monitoring and oversight of the statutes, constitutional provisions, regulations and court decisions governing such programs, agencies, policies and issues; ~~[The committee shall also study]~~

C. monitor and oversee the full continuum of programs and services available and needed for children and families and the aging population; ~~[The committee shall]~~ and

D. make an annual report of its findings and recommendations and recommend any necessary legislation to each session of the legislature."

SECTION 3. Section 2-13-5 NMSA 1978 (being Laws 1989, Chapter 349, Section 5) is amended to read:

"2-13-5. COMMITTEE DIRECTOR AND STAFF.--

A. The position of "director of the legislative health and human services committee" is created. The director shall be hired by the legislative council service and shall serve at the pleasure of the legislative health and human services committee. The director shall be provided with the necessary office space, supplies, equipment and assistants by the legislative council service. The director's salary shall

.223226.2

1 be set by the legislative council service.

2 B. The ~~[staff for the]~~ legislative health and human  
3 services committee shall ~~[be provided by the legislative~~  
4 ~~council service]~~ have year-round staff assigned exclusively to  
5 carry out the duties of the committee. The legislative council  
6 service shall provide the staff for the legislative health and  
7 human services committee, which shall include:

8 (1) an associate director of the legislative  
9 health and human services committee; and

10 (2) individuals with expertise in law, policy  
11 or finance related to health care delivery and financing,  
12 behavioral health care, health data information technology  
13 systems and grant writing."

14 **SECTION 4.** A new section of Chapter 2, Article 13 NMSA  
15 1978 is enacted to read:

16 "[NEW MATERIAL] POWER TO CONDUCT HEARINGS AND ADMINISTER  
17 OATHS--SUBPOENA POWER.--The legislative health and human  
18 services committee may conduct hearings and administer oaths.  
19 The legislative health and human services committee, or upon  
20 recommendation of a subcommittee of the legislative health and  
21 human services committee, shall have the power to subpoena,  
22 which may be enforced through any district court of the state.  
23 Process of the legislative health and human services committee  
24 shall be served by any sheriff or any member of the New Mexico  
25 state police and shall be served without cost to the

.223226.2

1 legislative health and human services committee or its  
2 subcommittees."

3 SECTION 5. A new section of Chapter 2, Article 13 NMSA  
4 1978 is enacted to read:

5 "[NEW MATERIAL] COMPLIANCE WITH REQUESTS FOR  
6 INFORMATION.--The human services department; the department of  
7 health; the aging and long-term services department; the  
8 corrections department; the children, youth and families  
9 department; the early childhood education and care department;  
10 the workforce solutions department; the interagency behavioral  
11 health purchasing collaborative; and every other state agency  
12 and political subdivision of the state shall, upon request,  
13 furnish and make available to the legislative health and human  
14 services committee, or any subcommittee of the legislative  
15 health and human services committee consisting of three members  
16 or more, documents, material or information requested by the  
17 committee or any subcommittee of the committee consisting of  
18 three members or more or the staff of the committee or  
19 subcommittee."

20 SECTION 6. APPROPRIATION.--Two million dollars  
21 (\$2,000,000) is appropriated from the general fund to the  
22 legislative council service for expenditure in fiscal year 2024  
23 to fund staffing for and the activities of the legislative  
24 health and human services committee pursuant to this act. Any  
25 unexpended or unencumbered balance remaining at the end of

.223226.2

underscored material = new  
[bracketed material] = delete

1 fiscal year 2024 shall revert to the general fund.

2 - 6 -

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

.223226.2

underscored material = new  
[bracketed material] = delete

HOUSE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE TOBACCO SETTLEMENT REVENUE OVERSIGHT COMMITTEE AND  
THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO TAXATION; INCREASING THE RATE OF THE CIGARETTE TAX;  
INCREASING THE RATE OF TAX ON TOBACCO PRODUCTS; INCLUDING  
NICOTINE, REGARDLESS OF SOURCE, IN THE DEFINITION OF "TOBACCO  
PRODUCT" IN THE TOBACCO PRODUCTS TAX ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 7-1-6.11 NMSA 1978 (being Laws 1983,  
Chapter 211, Section 16, as amended) is amended to read:

"7-1-6.11. DISTRIBUTIONS OF CIGARETTE TAXES.--

A. A distribution pursuant to Section 7-1-6.1 NMSA  
1978 shall be made to the board of regents of the university of  
New Mexico for the benefit of the comprehensive cancer center  
at the university of New Mexico health sciences center in an  
amount equal to [~~seventy-one hundredths~~] four-tenths percent of  
the net receipts, exclusive of penalties and interest,

.223282.3

1 attributable to the cigarette tax.

2 B. A distribution pursuant to Section 7-1-6.1 NMSA  
3 1978 in an amount equal to [~~seven and fifty-two~~] four and  
4 fifteen hundredths percent of the net receipts, exclusive of  
5 penalties and interest, attributable to the cigarette tax,  
6 shall be made on behalf of and for the benefit of the  
7 university of New Mexico health sciences center for its  
8 comprehensive cancer center, until payment of all principal,  
9 interest and other expenses or obligations related to the bonds  
10 authorized pursuant to Section [~~3 of this 2021 act~~] 6-21-6.15  
11 NMSA 1978 and the New Mexico finance authority certifies to the  
12 secretary of taxation and revenue that all obligations for the  
13 bonds have been fully discharged, to the credit enhancement  
14 account.

15 C. A distribution pursuant to Section 7-1-6.1 NMSA  
16 1978 in an amount equal to [~~three and seventeen~~] one and  
17 seventy-six hundredths percent of the net receipts, exclusive  
18 of penalties and interest, attributable to the cigarette tax  
19 shall be made to the New Mexico finance authority for land  
20 acquisition and the planning, designing, construction and  
21 equipping of department of health facilities or improvements to  
22 such facilities.

23 D. A distribution pursuant to Section 7-1-6.1 NMSA  
24 1978 in an amount equal to [~~eight and twenty-six~~] four and  
25 fifty-five hundredths percent of the net receipts, exclusive of

1 penalties and interest, attributable to the cigarette tax shall  
2 be made to the New Mexico finance authority for deposit in the  
3 credit enhancement account created in the authority.

4 E. A distribution pursuant to Section 7-1-6.1 NMSA  
5 1978 in an amount equal to ~~[fifty-three]~~ thirty-one hundredths  
6 percent of the net receipts, exclusive of penalties and  
7 interest, attributable to the cigarette tax shall be made, on  
8 behalf of and for the benefit of the rural county cancer  
9 treatment fund, to the New Mexico finance authority."

10 SECTION 2. Section 7-12-3 NMSA 1978 (being Laws 1971,  
11 Chapter 77, Section 3, as amended) is amended to read:

12 "7-12-3. EXCISE TAX ON CIGARETTES ~~[REDUCTION OF RATE FOR~~  
13 ~~CERTAIN CIGARETTES]~~.--

14 A. For the privilege of selling, giving or  
15 consuming cigarettes in New Mexico, there is levied an excise  
16 tax at a rate of ~~[ten cents (\$.10)]~~ twenty cents (\$.20) for  
17 each cigarette sold, given or consumed in this state.

18 B. The tax imposed by this section shall be  
19 referred to as the "cigarette tax".

20 ~~[C. The tax imposed by this section shall be~~  
21 ~~reduced by fifty percent for a cigarette for which a modified~~  
22 ~~risk tobacco product order has been issued by the United States~~  
23 ~~secretary of health and human services pursuant to Section 21~~  
24 ~~U.S.C. 387k(g)(1).~~

25 ~~D. The tax imposed by this section shall be reduced~~

1 ~~by twenty-five percent for a cigarette for which a modified~~  
2 ~~risk tobacco product order has been issued by the United States~~  
3 ~~secretary of health and human services pursuant to Section 21~~  
4 ~~U.S.C. 387k(g)(2).]~~"

5 SECTION 3. Section 7-12-7 NMSA 1978 (being Laws 1971,  
6 Chapter 77, Section 7, as amended) is amended to read:

7 "7-12-7. SALE OF STAMPS--PRICES.--

8 A. Only the department shall sell stamps. Stamps  
9 may be sold by the department only to a distributor.

10 B. Stamps shall display a serial number. Stamps  
11 bearing the same serial number shall not be sold to more than  
12 one distributor. The department shall keep records of the  
13 serial numbers of the stamps provided to each distributor.

14 C. A stamp shall be affixed to a package of  
15 cigarettes in such a manner as to clearly display the serial  
16 number at the point of sale.

17 D. Tax stamps shall be sold at their face value  
18 with the following discounts:

19 (1) [~~forty-six~~] twenty-three hundredths  
20 percent less than the face value of the first thirty thousand  
21 dollars (\$30,000) of stamps purchased in one calendar month;

22 (2) [~~thirty-six~~] eighteen hundredths percent  
23 less than the face value of the second thirty thousand dollars  
24 (\$30,000) of stamps purchased in one calendar month; and

25 (3) [~~twenty-two~~] eleven hundredths percent

.223282.3



1 less than the face value of stamps purchased in excess of sixty  
2 thousand dollars (\$60,000) in one calendar month.

3 E. Tax-credit stamps shall be provided only to  
4 distributors and shall be provided free of charge; provided  
5 that the distributor is in full compliance with the reporting  
6 requirements of the Cigarette Tax Act and rules adopted  
7 pursuant to that act.

8 F. If the face value of tax stamps sold in a single  
9 sale is less than one thousand dollars (\$1,000), the discount  
10 provided for in this section shall not be allowed.

11 G. Payment for tax stamps shall be made on or  
12 before the twenty-fifth day of the month following the month in  
13 which the sale of stamps by the department is made.

14 H. Tax-exempt stamps shall be provided only to  
15 distributors and shall be free of charge; provided that the  
16 distributor is in full compliance with the reporting  
17 requirements of the Cigarette Tax Act and rules adopted  
18 pursuant to that act."

19 SECTION 4. Section 7-12A-2 NMSA 1978 (being Laws 1986,  
20 Chapter 112, Section 3, as amended) is amended to read:

21 "7-12A-2. DEFINITIONS.--As used in the Tobacco Products  
22 Tax Act:

23 A. "department" means the taxation and revenue  
24 department, the secretary or any employee of the department  
25 exercising authority lawfully delegated to that employee by the

1       secretary;

2               B. "cigar" means a roll for smoking made wholly or  
3       in part of tobacco and weighing greater than four and one-half  
4       pounds per thousand;

5               C. "distribute" means to sell or to give;

6               D. "closed system cartridge" means a single-use,  
7       pre-filled disposable cartridge containing five milliliters or  
8       less of e-liquid for use in an e-cigarette;

9               E. "e-cigarette" means any ~~[electronic oral device,~~  
10      ~~whether composed of a heating element and battery or an~~  
11      ~~electronic circuit, that provides a vapor of nicotine or any~~  
12      ~~other substance the use or inhalation of which simulates~~  
13      ~~smoking and includes any such device, or any part thereof,~~  
14      ~~whether manufactured, distributed, marketed or sold as an~~  
15      ~~e-cigarette, e-cigar, e-pipe or any other product, name or~~  
16      ~~descriptor; "E-cigarette" does not include any product~~  
17      ~~regulated as a drug or device by the United States food and~~  
18      ~~drug administration under the Federal Food, Drug, and Cosmetic~~  
19      ~~Act]~~ device that can be used to deliver aerosolized or  
20      vaporized nicotine to the person inhaling from the device and  
21      includes any component, part or accessory of such a device that  
22      is used during the operation of the device but does not include  
23      a battery or battery charger;

24              F. "e-liquid" means liquid or other substance  
25      intended for use in an e-cigarette ~~[not including any substance~~

1 ~~containing cannabis or oil derived from cannabis];~~

2 G. "engaging in business" means carrying on or  
3 causing to be carried on any activity with the purpose of  
4 direct or indirect benefit;

5 H. "first purchaser" means a person engaging in  
6 business in New Mexico that manufactures tobacco products or  
7 that purchases or receives on consignment tobacco products from  
8 any person outside of New Mexico, which tobacco products are to  
9 be distributed in New Mexico in the ordinary course of  
10 business;

11 I. "little cigar" means a roll for smoking made  
12 wholly or in part of tobacco, using an integrated cellulose  
13 acetate or other similar filter, and weighing not more than  
14 four and one-half pounds per thousand;

15 J. "person" means any individual, estate, trust,  
16 receiver, cooperative association, club, corporation, company,  
17 firm, partnership, joint venture, syndicate, limited liability  
18 company, limited liability partnership, other association or  
19 gas, water or electric utility owned or operated by a county or  
20 municipality or other entity of the state; "person" also means,  
21 to the extent permitted by law, a federal, state or other  
22 governmental unit or subdivision or an agency, department or  
23 instrumentality;

24 K. "product value" means the amount paid, net of  
25 any discounts taken and allowed, for tobacco products or, in

1 the case of tobacco products received on consignment, the value  
2 of the tobacco products received or, in the case of tobacco  
3 products manufactured and sold in New Mexico, the proceeds from  
4 the sale by the manufacturer of the tobacco products; and

5 L. "tobacco product":

6 (1) means:

7 [~~(1)~~] (a) any product, other than  
8 cigarettes, [~~cigars and little cigars~~] made from or containing  
9 tobacco or nicotine, whether natural or synthetic, that is  
10 intended for human consumption or is likely to be consumed,  
11 whether smoked, heated, chewed, absorbed, dissolved or inhaled;

12 [~~(2)~~] (b) e-liquid;

13 [~~(3)~~] (c) e-cigarettes; and

14 [~~(4)~~] (d) closed system cartridges; and

15 (2) does not mean any product regulated as a  
16 drug or device by the United States food and drug  
17 administration pursuant to the Federal Food, Drug, and Cosmetic  
18 Act."

19 SECTION 5. Section 7-12A-3 NMSA 1978 (being Laws 1986,  
20 Chapter 112, Section 4, as amended) is amended to read:

21 "7-12A-3. IMPOSITION AND RATES OF TAX--~~[REDUCTION OF RATE~~  
22 ~~FOR CERTAIN TOBACCO PRODUCTS]~~ DENOMINATION AS "TOBACCO PRODUCTS  
23 TAX"--DATE PAYMENT OF TAX DUE.--

24 A. For the manufacture or acquisition of tobacco  
25 products in New Mexico [~~not including cigars, little cigars, e-~~

.223282.3

1 ~~liquid, e-cigarettes or closed system cartridges~~ to be  
2 distributed in the ordinary course of business and for the  
3 consumption of tobacco products in New Mexico, there is imposed  
4 an excise tax at the rate of [~~twenty-five~~] seventy-one percent  
5 of the [~~product value~~] wholesale price of the tobacco products;  
6 provided that for each little cigar, the rate shall be equal to  
7 the rate imposed on a cigarette pursuant to Section 7-12-3 NMSA  
8 1978.

9 ~~[B. For the manufacture or acquisition of cigars in~~  
10 ~~New Mexico to be distributed in the ordinary course of business~~  
11 ~~and for the consumption of cigars in New Mexico, there is~~  
12 ~~imposed an excise tax at a rate equal to twenty-five percent of~~  
13 ~~the product value of the cigar, not to exceed fifty cents~~  
14  ~~(\$.50) per cigar.~~

15 ~~C. For the manufacture or acquisition of little~~  
16 ~~cigars in New Mexico to be distributed in the ordinary course~~  
17 ~~of business and for the consumption of little cigars in New~~  
18 ~~Mexico, there is imposed an excise tax at a rate equal to the~~  
19 ~~rate imposed on cigarettes pursuant to Section 7-12-3 NMSA 1978~~  
20 ~~per package of little cigars.~~

21 ~~D. For the manufacture or acquisition of e-liquid~~  
22 ~~in New Mexico to be distributed in the ordinary course of~~  
23 ~~business and for the consumption of e-liquid in New Mexico,~~  
24 ~~there is imposed an excise tax at a rate equal to twelve and~~  
25 ~~one-half percent of the product value of the e-liquid.~~

1           ~~E. For the manufacture or acquisition of closed~~  
2 ~~system cartridges in New Mexico to be distributed in the~~  
3 ~~ordinary course of business, there is imposed an excise tax at~~  
4 ~~a rate of fifty cents (\$.50) per closed system cartridge.~~

5           ~~H.]~~ B. The taxes imposed by this section may be  
6 referred to as the "tobacco products tax".

7           ~~[I.]~~ C. The tobacco products tax shall be paid by  
8 the first purchaser on or before the twenty-fifth day of the  
9 month following the month in which the taxable event occurs."

10           SECTION 6. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2023.

12                               - 10 -  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

underscored material = new  
[bracketed material] = delete

SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE EARLY CHILDHOOD EDUCATION AND  
CARE DEPARTMENT TO REDUCE RATES OF ADVERSE CHILDHOOD  
EXPERIENCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. APPROPRIATION.**--One million one hundred forty  
thousand dollars (\$1,140,000) is appropriated from the general  
fund to the early childhood education and care department for  
expenditure in fiscal years 2024 through 2027 to facilitate  
coordination among providers and improve access to and expand  
the capacity of existing support services for families in Dona  
Ana county to reduce rates of adverse childhood experiences.  
Any unexpended or unencumbered balance remaining at the end of  
fiscal year 2027 shall revert to the general fund.

.223289.1





underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL  
**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**  
INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT  
RELATING TO BEHAVIORAL HEALTH; MAKING AN APPROPRIATION TO THE  
HUMAN SERVICES DEPARTMENT TO PROVIDE FUNDING FOR RESIDENTIAL  
TREATMENT SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. APPROPRIATION.--Eight hundred fifty-nine  
thousand dollars (\$859,000) is appropriated from the general  
fund to the human services department for expenditure in fiscal  
year 2024 to provide funding to an organization located in Dona  
Ana county that provides long-term residential treatment  
services for people diagnosed with serious mental illness and  
psychosis. Any unexpended or unencumbered balance remaining at  
the end of fiscal year 2024 shall revert to the general fund.  
.223292.1



HOUSE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE TOBACCO SETTLEMENT REVENUE OVERSIGHT COMMITTEE AND  
THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO TAXATION; INCREASING THE RATE OF TAX ON TOBACCO  
PRODUCTS; INCLUDING NICOTINE, REGARDLESS OF SOURCE, IN THE  
DEFINITION OF "TOBACCO PRODUCT" IN THE TOBACCO PRODUCTS TAX  
ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 7-12A-2 NMSA 1978 (being Laws 1986,  
Chapter 112, Section 3, as amended) is amended to read:

"7-12A-2. DEFINITIONS.--As used in the Tobacco Products  
Tax Act:

A. "department" means the taxation and revenue  
department, the secretary or any employee of the department  
exercising authority lawfully delegated to that employee by the  
secretary;

B. "cigar" means a roll for smoking made wholly or

1 in part of tobacco and weighing greater than four and one-half  
2 pounds per thousand;

3 C. "distribute" means to sell or to give;

4 D. "closed system cartridge" means a single-use,  
5 pre-filled disposable cartridge containing five milliliters or  
6 less of e-liquid for use in an e-cigarette;

7 E. "e-cigarette" means any ~~[electronic oral device,~~  
8 ~~whether composed of a heating element and battery or an~~  
9 ~~electronic circuit, that provides a vapor of nicotine or any~~  
10 ~~other substance the use or inhalation of which simulates~~  
11 ~~smoking and includes any such device, or any part thereof,~~  
12 ~~whether manufactured, distributed, marketed or sold as an~~  
13 ~~e-cigarette, e-cigar, e-pipe or any other product, name or~~  
14 ~~descriptor; "E-cigarette" does not include any product~~  
15 ~~regulated as a drug or device by the United States food and~~  
16 ~~drug administration under the Federal Food, Drug, and Cosmetic~~  
17 ~~Act]~~ device that can be used to deliver aerosolized or  
18 vaporized nicotine to the person inhaling from the device and  
19 includes any component, part or accessory of such a device that  
20 is used during the operation of the device but does not include  
21 a battery or battery charger;

22 F. "e-liquid" means liquid or other substance  
23 intended for use in an e-cigarette ~~[not including any substance~~  
24 ~~containing cannabis or oil derived from cannabis];~~

25 G. "engaging in business" means carrying on or

1 causing to be carried on any activity with the purpose of  
2 direct or indirect benefit;

3 H. "first purchaser" means a person engaging in  
4 business in New Mexico that manufactures tobacco products or  
5 that purchases or receives on consignment tobacco products from  
6 any person outside of New Mexico, which tobacco products are to  
7 be distributed in New Mexico in the ordinary course of  
8 business;

9 I. "little cigar" means a roll for smoking made  
10 wholly or in part of tobacco, using an integrated cellulose  
11 acetate or other similar filter, and weighing not more than  
12 four and one-half pounds per thousand;

13 J. "person" means any individual, estate, trust,  
14 receiver, cooperative association, club, corporation, company,  
15 firm, partnership, joint venture, syndicate, limited liability  
16 company, limited liability partnership, other association or  
17 gas, water or electric utility owned or operated by a county or  
18 municipality or other entity of the state; "person" also means,  
19 to the extent permitted by law, a federal, state or other  
20 governmental unit or subdivision or an agency, department or  
21 instrumentality;

22 K. "product value" means the amount paid, net of  
23 any discounts taken and allowed, for tobacco products or, in  
24 the case of tobacco products received on consignment, the value  
25 of the tobacco products received or, in the case of tobacco

1 products manufactured and sold in New Mexico, the proceeds from  
2 the sale by the manufacturer of the tobacco products; and

3 L. "tobacco product":

4 (1) means:

5 ~~[(1)]~~ (a) any product, other than  
6 cigarettes, ~~[cigars and little cigars]~~ made from or containing  
7 tobacco or nicotine, whether natural or synthetic, that is  
8 intended for human consumption or is likely to be consumed,  
9 whether smoked, heated, chewed, absorbed, dissolved or inhaled;

10 ~~[(2)]~~ (b) e-liquid;

11 ~~[(3)]~~ (c) e-cigarettes; and

12 ~~[(4)]~~ (d) closed system cartridges; and

13 (2) does not mean any product regulated as a  
14 drug or device by the United States food and drug  
15 administration pursuant to the Federal Food, Drug, and Cosmetic  
16 Act."

17 SECTION 2. Section 7-12A-3 NMSA 1978 (being Laws 1986,  
18 Chapter 112, Section 4, as amended) is amended to read:

19 "7-12A-3. IMPOSITION AND RATES OF TAX--~~[REDUCTION OF RATE~~  
20 ~~FOR CERTAIN TOBACCO PRODUCTS]~~ DENOMINATION AS "TOBACCO PRODUCTS  
21 TAX"--DATE PAYMENT OF TAX DUE.--

22 A. For the manufacture or acquisition of tobacco  
23 products in New Mexico ~~[not including cigars, little cigars, e-~~  
24 ~~liquid, e-cigarettes or closed system cartridges]~~ to be  
25 distributed in the ordinary course of business and for the

1 consumption of tobacco products in New Mexico, there is imposed  
2 an excise tax at the rate of [~~twenty-five~~] thirty-one percent  
3 of the [~~product value~~] wholesale price of the tobacco products;  
4 provided that for each little cigar, the rate shall be equal to  
5 the rate imposed on a cigarette pursuant to Section 7-12-3 NMSA  
6 1978.

7 ~~[B. For the manufacture or acquisition of cigars in~~  
8 ~~New Mexico to be distributed in the ordinary course of business~~  
9 ~~and for the consumption of cigars in New Mexico, there is~~  
10 ~~imposed an excise tax at a rate equal to twenty-five percent of~~  
11 ~~the product value of the cigar, not to exceed fifty cents~~  
12  ~~(\$.50) per cigar.~~

13 ~~C. For the manufacture or acquisition of little~~  
14 ~~cigars in New Mexico to be distributed in the ordinary course~~  
15 ~~of business and for the consumption of little cigars in New~~  
16 ~~Mexico, there is imposed an excise tax at a rate equal to the~~  
17 ~~rate imposed on cigarettes pursuant to Section 7-12-3 NMSA 1978~~  
18 ~~per package of little cigars.~~

19 ~~D. For the manufacture or acquisition of e-liquid~~  
20 ~~in New Mexico to be distributed in the ordinary course of~~  
21 ~~business and for the consumption of e-liquid in New Mexico,~~  
22 ~~there is imposed an excise tax at a rate equal to twelve and~~  
23 ~~one-half percent of the product value of the e-liquid.~~

24 ~~E. For the manufacture or acquisition of closed~~  
25 ~~system cartridges in New Mexico to be distributed in the~~

1 ~~ordinary course of business, there is imposed an excise tax at~~  
2 ~~a rate of fifty cents (\$.50) per closed system cartridge.~~

3 ~~H.~~ B. The taxes imposed by this section may be  
4 referred to as the "tobacco products tax".

5 ~~[H.]~~ C. The tobacco products tax shall be paid by  
6 the first purchaser on or before the twenty-fifth day of the  
7 month following the month in which the taxable event occurs."

8 **SECTION 3. EFFECTIVE DATE.**--The effective date of the  
9 provisions of this act is July 1, 2023.

10 - 6 -  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



underscored material = new  
[bracketed material] = delete

SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE  
UNIVERSITY OF NEW MEXICO FOR A PROGRAM THAT PREPARES MEDICAL  
STUDENTS TO PRACTICE IN UNDERSERVED COMMUNITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. APPROPRIATION.**--Two hundred fifty thousand  
dollars (\$250,000) is appropriated from the general fund to the  
board of regents of the university of New Mexico for  
expenditure in fiscal year 2024 for a program that prepares  
medical students to practice in underserved communities. Any  
unexpended or unencumbered balance remaining at the end of  
fiscal year 2024 shall revert to the general fund.

.223363.1



SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH CARE COVERAGE; CALCULATING COST-SHARING  
CONTRIBUTIONS FOR PRESCRIPTION DRUG COVERAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** A new section of the Health Care Purchasing  
Act is enacted to read:

"[NEW MATERIAL] CALCULATING AN ENROLLEE'S COST-SHARING  
OBLIGATION FOR PRESCRIPTION DRUG COVERAGE.--

A. When calculating an enrollee's cost-sharing  
obligation for covered prescription drugs, pursuant to group  
health coverage, including any form of self-insurance, offered,  
issued or renewed under the Health Care Purchasing Act, the  
insurer shall credit the enrollee for the full value of any  
discounts provided or payments made by third parties.

B. For purposes of this section, "cost sharing"

.223388.1

1 means any:

- 2 (1) copayment;
- 3 (2) coinsurance;
- 4 (3) deductible;
- 5 (4) out-of-pocket maximum amount;
- 6 (5) other financial obligation, other than a
- 7 premium or share of a premium; or
- 8 (6) combination thereof."

9 SECTION 2. A new section of Chapter 59A, Article 22 NMSA  
10 1978 is enacted to read:

11 "[NEW MATERIAL] CALCULATING AN INSURED'S COST-SHARING  
12 OBLIGATION FOR PRESCRIPTION DRUG COVERAGE.--

13 A. When calculating an insured's cost-sharing  
14 obligation for covered prescription drugs, pursuant to an  
15 individual or group health insurance policy, health care plan  
16 or certificate of health insurance that is delivered, issued  
17 for delivery or renewed in this state, the insurer shall credit  
18 the insured for the full value of any discounts provided or  
19 payments made by third parties.

20 B. For purposes of this section, "cost sharing"  
21 means any:

- 22 (1) copayment;
- 23 (2) coinsurance;
- 24 (3) deductible;
- 25 (4) out-of-pocket maximum;

.223388.1

1 (5) other financial obligation, other than a  
2 premium or share of a premium; or

3 (6) combination thereof."

4 SECTION 3. A new section of Chapter 59A, Article 23 NMSA  
5 1978 is enacted to read:

6 "[NEW MATERIAL] CALCULATING AN INSURED'S COST-SHARING  
7 OBLIGATION FOR PRESCRIPTION DRUG COVERAGE.--

8 A. When calculating an insured's cost-sharing  
9 obligation for covered prescription drugs, pursuant to a group  
10 health plan other than a small group health plan or a blanket  
11 health insurance policy or contract that is delivered, issued  
12 for delivery or renewed in this state, the insurer shall credit  
13 the insured for the full value of any discounts provided or  
14 payments made by third parties.

15 B. For purposes of this section, "cost sharing"  
16 means any:

17 (1) copayment;

18 (2) coinsurance;

19 (3) deductible;

20 (4) out-of-pocket maximum;

21 (5) other financial obligation, other than a  
22 premium or share of a premium; or

23 (6) combination thereof."

24 SECTION 4. A new section of the Health Maintenance  
25 Organization Law is enacted to read:

.223388.1

1           "[NEW MATERIAL] CALCULATING AN ENROLLEE'S COST-SHARING  
2 OBLIGATION FOR PRESCRIPTION DRUG COVERAGE.--

3           A. When calculating an enrollee's cost-sharing  
4 obligation for covered prescription drugs, pursuant to an  
5 individual or group health maintenance organization contract  
6 that is delivered, issued for delivery or renewed in this  
7 state, the insurer shall credit the enrollee for the full value  
8 of any discounts provided or payments made by third parties.

9           B. For purposes of this section, "cost sharing"  
10 means any:

- 11                       (1) copayment;  
12                       (2) coinsurance;  
13                       (3) deductible;  
14                       (4) out-of-pocket maximum;  
15                       (5) other financial obligation, other than a  
16 premium or share of a premium; or  
17                       (6) combination thereof."

18           SECTION 5. A new section of the Nonprofit Health Care  
19 Plan Law is enacted to read:

20           "[NEW MATERIAL] CALCULATING A SUBSCRIBER'S COST-SHARING  
21 OBLIGATION FOR PRESCRIPTION DRUG COVERAGE.--

22           A. When calculating a subscriber's cost-sharing  
23 obligation for covered prescription drugs, pursuant to an  
24 individual or group health insurance policy, health care plan  
25 or certificate of health insurance issued for delivery or

.223388.1

1 renewed in this state, the insurer shall credit the subscriber  
2 for the full value of any discounts provided or payments made  
3 by third parties.

4 B. For purposes of this section, "cost sharing"  
5 means any:

- 6 (1) copayment;  
7 (2) coinsurance;  
8 (3) deductible;  
9 (4) out-of-pocket maximum;  
10 (5) other financial obligation, other than a  
11 premium or share of a premium; or  
12 (6) combination thereof."

13 SECTION 6. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is January 1, 2024.

15 - 5 -  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25





underscored material = new  
[bracketed material] = delete

SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE HUMAN SERVICES DEPARTMENT FOR A  
PROGRAM TO PROVIDE PEOPLE WHO ARE HOMELESS WITH ACCESS TO  
SUBSTANCE USE DISORDER TREATMENT, BEHAVIORAL HEALTH SERVICES  
AND SUPPORTIVE HOUSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. APPROPRIATION.**--Twenty million dollars  
(\$20,000,000) is appropriated from the general fund to the  
human services department for expenditure in fiscal year 2024  
to provide people who are homeless with access to substance use  
disorder treatment, behavioral health services and supportive  
housing. Any unexpended or unencumbered balance remaining at  
the end of fiscal year 2024 shall revert to the general fund.  
.223412.2



underscored material = new  
[bracketed material] = delete

HOUSE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING AND ENACTING  
SECTIONS OF THE PHARMACY ACT; REPEALING THE IMPAIRED  
PHARMACISTS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 61-11-2 NMSA 1978 (being Laws 1969,  
Chapter 29, Section 2, as amended) is amended to read:

"61-11-2. DEFINITIONS.--As used in the Pharmacy Act:

A. "administer" means the direct application of a  
drug to the body of a patient or research subject by injection,  
inhalation, ingestion or any other means as a result of an  
order of a licensed practitioner;

B. "board" means the board of pharmacy;

C. "compounding" means preparing, mixing,  
assembling, packaging or labeling a drug or device as the

.223428.3

1 result of a licensed practitioner's prescription or for the  
2 purpose of, or as an incident to, research, teaching or  
3 chemical analysis and not for sale or dispensing.

4 "Compounding" also includes preparing drugs or devices in  
5 anticipation of a prescription based on routine, regularly  
6 observed prescribing patterns;

7 D. "confidential information" means information in  
8 the patient's pharmacy records accessed, maintained by or  
9 transmitted to the pharmacist or communicated to the patient as  
10 part of patient counseling and may be released only to the  
11 patient or as the patient directs; or to those licensed  
12 practitioners and other authorized health care professionals as  
13 defined by regulation of the board when, in the pharmacist's  
14 professional judgment, such release is necessary to protect the  
15 patient's health and well-being; or to other persons authorized  
16 by law to receive the information, regardless of whether the  
17 information is on paper, preserved on microfilm or stored on  
18 electronic media;

19 E. "consulting pharmacist" means a pharmacist whose  
20 services are engaged on a routine basis by a hospital or other  
21 health care facility and who is responsible for the  
22 distribution, receipt and storage of drugs according to the  
23 state and federal regulations;

24 F. "custodial care facility" means a nursing home,  
25 retirement care, mental care or other facility that provides

1 extended health care as defined by board rule; "custodial care  
2 facility" does not mean a home:

3 (1) the principal function of which is to care  
4 for no more than sixteen children on a twenty-four-hour-a-day  
5 residential basis, and that:

6 (a) does not receive funds directly from  
7 or through the children, youth and families department; and

8 (b) is a member of any state or national  
9 association that requires it to observe standards comparable to  
10 pertinent recognized state or national group home standards for  
11 the care of children or that is certified by any such  
12 organization as complying with the standards; or

13 (2) maintained by an individual having the  
14 care and control, for periods exceeding twenty-four hours, of a  
15 child or children not placed for adoption;

16 G. "dangerous drug" means a drug that is required  
17 by an applicable federal or state law or rule to be dispensed  
18 pursuant to a prescription or is restricted to use by licensed  
19 practitioners; or that is required by federal law to be labeled  
20 with any of the following statements prior to being dispensed  
21 or delivered:

22 (1) "Caution: federal law prohibits  
23 dispensing without prescription.";

24 (2) "Caution: federal law restricts this drug  
25 to use by or on the order of a licensed veterinarian."; or

1 (3) "RX only";

2 H. "device" means an instrument, apparatus,  
3 implement, machine, contrivance, implant or similar or related  
4 article, including a component part or accessory, that is  
5 required by federal law to bear the label, "Caution: federal  
6 or state law requires dispensing by or on the order of a  
7 physician.";

8 I. "dispense" means the evaluation and  
9 implementation of a prescription, including the preparation and  
10 delivery of a drug or device to a patient or patient's agent in  
11 a suitable container appropriately labeled for subsequent  
12 administration to or use by a patient;

13 J. "distribute" means the delivery of a drug or  
14 device other than by administering or dispensing;

15 K. "drug" means:

16 (1) an article recognized as a drug in an  
17 official compendium or its supplement that is designated from  
18 time to time by the board for use in the diagnosis, cure,  
19 mitigation, treatment or prevention of disease in humans or  
20 other animals;

21 (2) an article intended for use in the  
22 diagnosis, cure, mitigation, treatment or prevention of  
23 diseases in humans or other animals;

24 (3) an article, other than food, that affects  
25 the structure or a function of the body of humans or other

.223428.3

1 animals; and

2 (4) an article intended for use as a component  
3 of an article described in Paragraph (1), (2) or (3) of this  
4 subsection;

5 L. "drug regimen review" includes an evaluation of  
6 a prescription and patient record for:

- 7 (1) known allergies;  
8 (2) rational therapy contraindications;  
9 (3) reasonable dose and route of  
10 administration;  
11 (4) reasonable directions for use;  
12 (5) duplication of therapy;  
13 (6) drug-drug interactions;  
14 (7) adverse drug reactions; and  
15 (8) proper use and optimum therapeutic  
16 outcomes;

17 M. "electronic transmission" means transmission of  
18 information in electronic form or the transmission of the exact  
19 visual image of a document by way of electronic equipment;

20 N. "hospital" means an institution that is licensed  
21 as a hospital by the department of health;

22 O. "labeling" means the process of preparing and  
23 affixing a label to a drug container exclusive of the labeling  
24 by a manufacturer, packer or distributor of a nonprescription  
25 drug or commercially packaged prescription drug or device; and

.223428.3

1 which label includes all information required by federal or  
2 state law or regulations adopted pursuant to federal or state  
3 law;

4 P. "licensed practitioner" means a person engaged  
5 in a profession licensed by a state, territory or possession of  
6 the United States who, within the limits of the person's  
7 license, may lawfully prescribe, dispense or administer drugs  
8 for the treatment of a patient's condition;

9 Q. "manufacturing" means the production,  
10 preparation, propagation, conversion or processing of a drug or  
11 device, either directly or indirectly, by extraction from  
12 substances of natural origin or independently by means of  
13 chemical or biological synthesis and includes packaging or  
14 repackaging, labeling or relabeling and the promotion and  
15 marketing of the drugs or devices. "Manufacturing" also  
16 includes the preparation and promotion of commercially  
17 available products from bulk compounds for resale by  
18 pharmacies, licensed practitioners or other persons;

19 R. "nonprescription drugs" means nonnarcotic  
20 medicines or drugs that may be sold without a prescription and  
21 are prepackaged for use by a consumer and are labeled in  
22 accordance with the laws and regulations of the state and  
23 federal governments;

24 S. "nonresident pharmacy" means any pharmacy  
25 located outside New Mexico that ships, mails or delivers, in



1 any manner, drugs into New Mexico;

2 T. "outsourcing facility" means a facility at one  
3 geographic location or address that engages in the compounding  
4 of sterile drugs, is licensed by the board and, in accordance  
5 with board rules, is currently registered with the United  
6 States food and drug administration as an outsourcing facility;

7 U. "patient counseling" means the oral  
8 communication by the pharmacist of information to a patient or  
9 the patient's agent or caregiver regarding proper use of a drug  
10 or device;

11 V. "person" means an individual, corporation,  
12 partnership, association or other legal entity;

13 W. "pharmaceutical care" means the provision of  
14 drug therapy and other patient care services related to drug  
15 therapy intended to achieve definite outcomes that improve a  
16 patient's quality of life, including identifying potential and  
17 actual drug-related problems, resolving actual drug-related  
18 problems and preventing potential drug-related problems;

19 X. "pharmacist" means a person who is licensed as a  
20 pharmacist in this state;

21 Y. "pharmacist in charge" means a pharmacist who  
22 accepts responsibility for the operation of a pharmacy in  
23 conformance with all laws and rules pertinent to the practice  
24 of pharmacy and the distribution of drugs and who is personally  
25 in full and actual charge of the pharmacy and its personnel;

.223428.3

1           Z. "pharmacy" means a place of business licensed by  
2 the board where drugs are compounded or dispensed and  
3 pharmaceutical care is provided;

4           AA. "pharmacist intern" means a person licensed by  
5 the board to train under a pharmacist;

6           BB. "pharmacy technician" means a person who is  
7 registered to perform repetitive tasks not requiring the  
8 professional judgment of a pharmacist;

9           CC. "practice of pharmacy" means the evaluation and  
10 implementation of a lawful order of a licensed practitioner;  
11 the dispensing of prescriptions; the participation in drug and  
12 device selection or drug administration that has been ordered  
13 by a licensed practitioner, drug regimen reviews and drug or  
14 drug-related research; the administering or prescribing of  
15 dangerous drug therapy; the provision of patient counseling and  
16 pharmaceutical care; the responsibility for compounding and  
17 labeling of drugs and devices; the proper and safe storage of  
18 drugs and devices; and the maintenance of proper records;

19           DD. "prescription" means an order given  
20 individually for the person for whom prescribed, either  
21 directly from a licensed practitioner or the licensed  
22 practitioner's agent to the pharmacist, including electronic  
23 transmission or indirectly by means of a written order signed  
24 by the prescriber, that bears the name and address of the  
25 prescriber, the prescriber's license classification, the name

1 and address of the patient, the name and quantity of the drug  
2 prescribed, directions for use and the date of issue;

3 EE. "repackager" means a person that repackages a  
4 drug, including a medicinal gas, and that, in accordance with  
5 board rules, has a valid registration as a drug establishment  
6 with the United States food and drug administration;

7 FF. "significant adverse drug event" means a  
8 drug-related incident that may result in harm, injury or death  
9 to the patient;

10 GG. "third-party logistics provider" means a person  
11 that provides or coordinates warehousing or other logistics  
12 services of a product in interstate commerce on behalf of a  
13 manufacturer, wholesale distributor or dispenser of a product  
14 but which person does not take ownership of the product nor  
15 have responsibility to direct the sale or disposition of the  
16 product; and

17 HH. "wholesale drug distributor" means a person  
18 engaged in the wholesale distribution of prescription drugs,  
19 including own-label distributors, private-label distributors,  
20 jobbers, brokers, manufacturers' warehouses, distributor's  
21 warehouses, chain drug warehouses, wholesale drug warehouses,  
22 independent wholesale drug traders and retail pharmacies that  
23 conduct wholesale distribution."

24 SECTION 2. Section 61-11-5 NMSA 1978 (being Laws 1969,  
25 Chapter 29, Section 4, as amended) is amended to read:

.223428.3

1 "61-11-5. BOARD MEETINGS--QUORUM--OFFICERS--BONDS--  
2 EXPENSES.--

3 A. The board shall annually elect a [chairman]  
4 chair, vice [chairman] chair and secretary-treasurer from its  
5 membership.

6 B. The board shall meet at least once every three  
7 months. Special meetings may be called by the [chairman] chair  
8 and shall be called upon the written request of two or more  
9 members of the board. Notification of special meetings shall  
10 be made by [certified] regular mail [~~unless the notice is~~  
11 ~~waived by the entire board and noted in the minutes~~] or  
12 electronic mail. Notice of all regular meetings shall be made  
13 by regular mail or electronic mail at least ten days prior to  
14 the meeting, and copies of the minutes of all meetings shall be  
15 mailed to each board member within forty-five days after any  
16 meeting.

17 C. A majority of the board constitutes a quorum.

18 D. Members of the board shall be reimbursed as  
19 provided in the Per Diem and Mileage Act and shall receive no  
20 other compensation, perquisite or allowance."

21 SECTION 3. Section 61-11-6 NMSA 1978 (being Laws 1969,  
22 Chapter 29, Section 5, as amended) is amended to read:

23 "61-11-6. POWERS AND DUTIES OF BOARD.--

24 A. The board shall:

25 (1) promulgate rules in accordance with the

1 provisions of the State Rules Act to carry out the provisions  
2 of the Pharmacy Act in accordance with the provisions of the  
3 Uniform Licensing Act;

4 (2) provide for examinations of applicants for  
5 licensure as pharmacists;

6 (3) provide for the issuance and renewal of  
7 licenses for pharmacists;

8 (4) require and establish criteria for  
9 continuing education as a condition of renewal of licensure for  
10 pharmacists;

11 (5) provide for the issuance and renewal of  
12 licenses for pharmacist interns and for their training,  
13 supervision and discipline;

14 (6) provide for the licensing of retail  
15 pharmacies, nonresident pharmacies, wholesale drug  
16 distributors, drug manufacturers, hospital pharmacies, nursing  
17 home drug facilities, industrial and public health clinics and  
18 all places where dangerous drugs are stored, distributed,  
19 dispensed or administered and provide for the inspection of the  
20 facilities and activities;

21 (7) enforce the provisions of all laws of the  
22 state pertaining to the practice of pharmacy and the  
23 manufacture, production, sale or distribution of drugs or  
24 cosmetics and their standards of strength and purity;

25 (8) conduct hearings upon charges relating to

.223428.3

1 the discipline of a registrant or licensee or the denial,  
2 suspension or revocation of a registration or a license in  
3 accordance with the Uniform Licensing Act;

4 (9) cause the prosecution of any person  
5 violating the Pharmacy Act, the New Mexico Drug, Device and  
6 Cosmetic Act or the Controlled Substances Act;

7 (10) keep a record of all proceedings of the  
8 board;

9 (11) make an annual report to the governor;

10 (12) appoint and employ, in the board's  
11 discretion, a qualified person who is not a member of the board  
12 to serve as executive director and define the executive  
13 director's duties and responsibilities; except that the power  
14 to deny, revoke or suspend any license or registration  
15 authorized by the Pharmacy Act shall not be delegated by the  
16 board;

17 (13) appoint and employ inspectors necessary  
18 to enforce the provisions of all acts under the administration  
19 of the board, which inspectors shall be pharmacists and have  
20 all the powers and duties of peace officers;

21 (14) provide for other qualified employees  
22 necessary to carry out the provisions of the Pharmacy Act;

23 (15) have the authority to employ a competent  
24 attorney to give advice and counsel in regard to any matter  
25 connected with the duties of the board, to represent the board

.223428.3

1 in any legal proceedings and to aid in the enforcement of the  
2 laws in relation to the pharmacy profession and to fix the  
3 compensation to be paid to the attorney; provided, however,  
4 that the attorney shall be compensated from the money of the  
5 board, including that provided for in Section 61-11-19 NMSA  
6 1978;

7 (16) register and regulate qualifications,  
8 training and permissible activities of pharmacy technicians;

9 (17) provide a registry of all persons  
10 licensed as pharmacists or pharmacist interns in the state;

11 (18) promulgate rules that prescribe the  
12 activities and duties of pharmacy owners and pharmacists in the  
13 provision of pharmaceutical care, emergency prescription  
14 dispensing, drug regimen review and patient counseling in each  
15 practice setting;

16 (19) promulgate, after ~~[approval by]~~  
17 consultation with the New Mexico medical board and the board of  
18 nursing, rules and protocols for the prescribing of dangerous  
19 drug therapy, including vaccines and immunizations, and the  
20 appropriate notification of the primary or appropriate  
21 physician of the person receiving the dangerous drug therapy;  
22 ~~[and]~~

23 (20) have the authority to authorize emergency  
24 prescription dispensing;

25 (21) enforce and administer the provisions of

1 the Impaired Health Care Provider Act and may promulgate rules  
2 to implement the provisions of that act as it relates to  
3 pharmacists, pharmacist interns, pharmacy technicians and  
4 applicants for license or registration; and

5 (22) have the authority to promulgate rules  
6 requiring reporting of particular dispensed non-controlled  
7 dangerous drugs to the prescription monitoring program when the  
8 board determines that lack of reporting may create a hazard to  
9 patients.

10 B. The board may:

11 (1) delegate its authority to the executive  
12 director to issue temporary licenses as provided in Section  
13 61-11-14 NMSA 1978;

14 (2) provide by rule for the electronic  
15 transmission of prescriptions; and

16 (3) delegate its authority to the executive  
17 director to authorize emergency prescription dispensing  
18 procedures during civil or public health emergencies."

19 SECTION 4. Section 61-11-7 NMSA 1978 (being Laws 1969,  
20 Chapter 29, Section 6, as amended by Laws 2016, Chapter 45,  
21 Section 2 and by Laws 2016, Chapter 47, Section 2) is amended  
22 to read:

23 "61-11-7. DRUG DISPENSATION--LIMITATIONS.--

24 A. The Pharmacy Act does not prohibit:

25 (1) a hospital or state or county institution



1 or clinic without the services of a staff pharmacist from  
2 acquiring and having in its possession a dangerous drug for the  
3 purpose of dispensing if it is in a dosage form suitable for  
4 dispensing and if the hospital, institution or clinic employs a  
5 consulting pharmacist, and if the consulting pharmacist is not  
6 available, the withdrawal of a drug from stock by a licensed  
7 professional nurse on the order of a licensed practitioner in  
8 such amount as needed for administering to and treatment of a  
9 patient;

10 (2) the extemporaneous preparation by a  
11 licensed professional nurse on the order of a licensed  
12 practitioner of simple solutions for injection when the  
13 solution may be prepared from a quantity of drug that has been  
14 prepared previously by a pharmaceutical manufacturer or  
15 pharmacist and obtained by a hospital, institution or clinic in  
16 a form suitable for the preparation of the solution;

17 (3) the sale of nonnarcotic, nonpoisonous or  
18 nondangerous nonprescription medicines or preparations by  
19 nonregistered persons or unlicensed stores when sold in their  
20 original containers;

21 (4) the sale of drugs intended for veterinary  
22 use; provided that if the drugs bear the legend: "Caution:  
23 federal law restricts this drug to use by or on the order of a  
24 licensed veterinarian", the drug may be sold or distributed  
25 only as provided in Subsection A of Section 26-1-15 NMSA 1978,

1 by a person possessing a license issued by the board pursuant  
2 to Subsection B of Section 61-11-14 NMSA 1978;

3 (5) the sale to or possession or  
4 administration of topical ocular pharmaceutical agents by  
5 licensed optometrists who have been certified by the board of  
6 optometry for the use of the agents;

7 (6) the sale to or possession or  
8 administration of oral pharmaceutical agents as authorized in  
9 Subsection A of Section 61-2-10.2 NMSA 1978 by licensed  
10 optometrists who have been certified by the board of optometry  
11 for the use of the agents;

12 (7) pharmacy technicians from providing  
13 assistance to pharmacists;

14 (8) a pharmacist from prescribing dangerous  
15 drug therapy, including vaccines and immunizations, under rules  
16 and protocols adopted by the board after ~~[approval by]~~  
17 consultation with the New Mexico medical board and the board of  
18 nursing;

19 (9) a pharmacist from exercising the  
20 pharmacist's professional judgment in refilling a prescription  
21 for a prescription drug, unless prohibited by another state or  
22 federal law, without the authorization of the prescribing  
23 licensed practitioner, if:

24 (a) failure to refill the prescription  
25 might result in an interruption of a therapeutic regimen or

1 create patient suffering;

2 (b) the pharmacist is unable to contact  
3 the licensed practitioner after reasonable effort;

4 (c) the quantity of prescription drug  
5 dispensed does not exceed a [~~seventy-two-hour~~] thirty-day  
6 supply;

7 (d) the pharmacist informs the patient  
8 or the patient's agent at the time of dispensing that the  
9 refill is being provided without authorization and that  
10 authorization of the licensed practitioner is required for  
11 future refills; and

12 (e) the pharmacist informs the licensed  
13 practitioner of the emergency refill at the earliest reasonable  
14 time; or

15 (10) the possession, storage, distribution,  
16 dispensing, administration or prescribing of an opioid  
17 antagonist in accordance with the provisions of Section 24-23-1  
18 NMSA 1978.

19 B. All prescriptions requiring the preparation of  
20 dosage forms or amounts of dangerous drugs not available in the  
21 stock of a hospital, institution or clinic or a prescription  
22 requiring compounding shall be either compounded or dispensed  
23 only by a pharmacist."

24 SECTION 5. Section 61-11-9.1 NMSA 1978 (being Laws 2007,  
25 Chapter 79, Section 4, as amended) is amended to read:

.223428.3

1 "61-11-9.1. SURETY BONDS.--

2 A. The board may require surety bonds or other  
3 equivalent means of security, as approved by the board, that  
4 are provided by a third party such as insurance, an irrevocable  
5 letter of credit or funds deposited in a trust account or  
6 financial institution, to secure payment for any administrative  
7 or judicial penalties that may be imposed by the board or the  
8 state and for any penalties or costs required by board rule or  
9 disciplinary action.

10 B. Surety bonds or other equivalent means of  
11 security as approved by the board and required in this section  
12 shall apply to initial applicants or renewal applicants as a  
13 condition for obtaining or maintaining licensure as a drug  
14 manufacturer, nonresident pharmacy, wholesale drug distributor,  
15 outsourcing facility, repackager or third-party logistics  
16 provider.

17 C. The board [~~shall~~] may set by rule the amount and  
18 conditions of the surety bond or other equivalent means of  
19 security authorized in this section.

20 D. The board may waive the surety bond or other  
21 requirements of this section if it determines that it is in the  
22 best interest of the public to do so. Such waivers may be  
23 granted under conditions established by board rule.

24 E. Manufacturers distributing their own products  
25 that have been licensed or approved by the food and drug

.223428.3

1 administration and pharmacy warehouses that are engaged only in  
2 intracompany transfers are exempt from this section.

3 F. A separate surety bond or other equivalent means  
4 of security is not required for each company's separate  
5 locations or for affiliated companies or groups when such  
6 separate locations or affiliated companies or groups are  
7 required to apply for or renew their drug manufacturer,  
8 nonresident pharmacy, wholesale drug distributor, outsourcing  
9 facility, repackager or third-party logistics provider license  
10 with the board."

11 SECTION 6. Section 61-11-14.1 NMSA 1978 (being Laws 1992,  
12 Chapter 19, Section 7, as amended) is amended to read:

13 "61-11-14.1. NONRESIDENT PHARMACY LICENSURE--TOLL-FREE  
14 TELEPHONE SERVICE.--

15 A. Any person making application to the board for a  
16 nonresident pharmacy license shall submit to the board an  
17 application for licensure that discloses the following  
18 information:

19 (1) the address of the principal office of the  
20 nonresident pharmacy and the names and titles of all principal  
21 corporate officers [~~and all pharmacists who are dispensing~~  
22 ~~controlled substances or dangerous drugs to residents of this~~  
23 ~~state. A report containing this information shall be made on~~  
24 ~~an annual basis and within thirty days after any change of~~  
25 ~~office location, corporate officer or pharmacist in charge];~~

.223428.3

1 (2) that the nonresident pharmacy complies  
2 with all lawful directions and requests for information from  
3 the regulatory or licensing agency of the state in which it is  
4 a resident, as well as with requests for information made by  
5 the board pursuant to this section;

6 (3) that the nonresident pharmacy maintains,  
7 at all times, a valid license, permit or registration to  
8 operate the pharmacy in compliance with the laws of the state  
9 in which it is a resident;

10 (4) a copy of the most recent inspection  
11 report resulting from an inspection of the nonresident pharmacy  
12 conducted by the regulatory or licensing agency of the state in  
13 which it is a resident; and

14 (5) that the nonresident pharmacy maintains  
15 its records of controlled substances or dangerous drugs that  
16 are dispensed to patients in this state so that the records are  
17 readily retrievable.

18 B. A nonresident pharmacy licensed under this  
19 section shall provide a toll-free telephone service to  
20 facilitate communication between patients in this state and a  
21 pharmacist at the nonresident pharmacy who has access to the  
22 patient's records. A nonresident pharmacy shall provide the  
23 toll-free telephone service during its regular hours of  
24 operation, but not less than six days a week and for a minimum  
25 of forty hours a week. The toll-free telephone number shall be

.223428.3

1 disclosed on a label affixed to each container of drugs  
2 dispensed to patients in this state.

3 C. Nothing in this section shall be construed to  
4 authorize the dispensing of contact lenses by nonresident  
5 pharmacies."

6 SECTION 7. A new section of the Pharmacy Act is enacted  
7 to read:

8 "[NEW MATERIAL] PROTECTED ACTIONS--COMMUNICATION.--

9 A. No current or former member of the board,  
10 officer, administrator, staff member, committee member,  
11 examiner, representative, agent, employee, consultant, witness  
12 or any other person serving or having served the board shall  
13 bear liability or be subject to civil damages or criminal  
14 prosecutions for any action or omission undertaken or performed  
15 within the scope of the board's duties.

16 B. All written and oral communications made by any  
17 person to the board relating to actual and potential  
18 disciplinary action shall be confidential communications and  
19 are not public records for the purposes of the Inspection of  
20 Public Records Act. All data, communications and information  
21 acquired by the board relating to actual or potential  
22 disciplinary action shall not be disclosed except to the extent  
23 necessary to carry out the board's purposes or in a judicial  
24 appeal from the board's actions or in a referral of cases made  
25 to law enforcement agencies, national database clearinghouses

.223428.3

1 or other licensing boards.

2 C. Prescription monitoring program information,  
3 including prescription information and audit trail information,  
4 shall be confidential and are not public records for the  
5 purposes of the Inspection of Public Records Act or subject to  
6 subpoena or disclosure by court order, except as allowed by  
7 board rule.

8 D. No person or legal entity providing information  
9 to the board in good faith, whether as a report, a complaint or  
10 testimony, shall be subject to civil damages or criminal  
11 prosecution."

12 SECTION 8. REPEAL.--Sections 61-11A-1 through 61-11A-8  
13 NMSA 1978 (being Laws 1987, Chapter 284, Sections 1 through 8)  
14 are repealed.

15 - 22 -  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



HOUSE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO TAXATION; INCREASING LIQUOR EXCISE TAX RATES;  
ELIMINATING RATE DIFFERENTIALS FOR MICROBREWERS, SMALL  
WINEGROWERS AND CRAFT DISTILLERS; INDEXING THE RATES TO  
INFLATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 7-17-5 NMSA 1978 (being Laws 1993,  
Chapter 65, Section 8, as amended) is amended to read:

"7-17-5. IMPOSITION AND RATE OF LIQUOR EXCISE TAX.--

A. There is imposed on a wholesaler who sells  
alcoholic beverages on which the tax imposed by this section  
has not been paid an excise tax, to be referred to as the  
"liquor excise tax", at the following rates on alcoholic  
beverages sold:

~~[(1) on spirituous liquors, except as provided~~

.223431.3

underscored material = new  
[bracketed material] = delete

1 ~~in Paragraph (9) of this subsection, one dollar sixty cents~~  
2 ~~(\$1.60) per liter;~~

3 ~~(2) on beer, except as provided in Paragraph~~  
4 ~~(5) of this subsection, forty-one cents (\$.41) per gallon;~~

5 ~~(3) on wine, except as provided in Paragraphs~~  
6 ~~(4) and (6) of this subsection, forty-five cents (\$.45) per~~  
7 ~~liter;~~

8 ~~(4) on fortified wine, one dollar fifty cents~~  
9 ~~(\$1.50) per liter;~~

10 ~~(5) on beer manufactured or produced by a~~  
11 ~~microbrewer and sold in this state, provided that proof is~~  
12 ~~furnished to the department that the beer was manufactured or~~  
13 ~~produced by a microbrewer, eight cents (\$.08) per gallon on the~~  
14 ~~first thirty thousand barrels sold, twenty-eight cents (\$.28)~~  
15 ~~per gallon for all barrels sold over thirty thousand barrels~~  
16 ~~but less than sixty thousand barrels and forty-one cents (\$.41)~~  
17 ~~per gallon for sixty thousand or more barrels sold;~~

18 ~~(6) on wine manufactured or produced by a~~  
19 ~~small winegrower and sold in this state, provided that proof is~~  
20 ~~furnished to the department that the wine was manufactured or~~  
21 ~~produced by a small winegrower:~~

22 ~~(a) ten cents (\$.10) per liter on the~~  
23 ~~first eighty thousand liters; sold;~~

24 ~~(b) twenty cents (\$.20) per liter on~~  
25 ~~each liter sold over eighty thousand liters but not over nine~~

1 ~~hundred fifty thousand liters; and~~

2 ~~(c) thirty cents (\$.30) per liter on~~  
3 ~~each liter sold over nine hundred fifty thousand liters but not~~  
4 ~~over one million five hundred thousand liters;~~

5 ~~(7) on cider, except as provided in Paragraph~~  
6 ~~(8) of this subsection forty-one cents (\$.41) per gallon~~

7 ~~(8) on cider manufactured or produced by a~~  
8 ~~small winegrower and sold in this state, provided that proof is~~  
9 ~~furnished to the department that the cider was manufactured or~~  
10 ~~produced by a small winegrower, eight cents (\$.08) per gallon~~  
11 ~~on the first thirty thousand barrels sold, twenty-eight cents~~  
12 ~~(\$.28) per gallon for all barrels sold over thirty thousand~~  
13 ~~barrels but less than sixty thousand barrels and forty-one~~  
14 ~~cents (\$.41) per gallon for sixty thousand or more barrels~~  
15 ~~sold; and~~

16 ~~(9) on spirituous liquors manufactured or~~  
17 ~~produced by a craft distiller licensed pursuant to Section~~  
18 ~~60-6A-6.1 NMSA 1978, provided that proof is provided to the~~  
19 ~~department that the spirituous liquors were manufactured or~~  
20 ~~produced by a craft distiller, for products up to ten percent~~  
21 ~~alcohol by volume, eight cents (\$.08) per liter for the first~~  
22 ~~two hundred fifty thousand liters sold and twenty-eight cents~~  
23 ~~(\$.28) per liter for the next two hundred fifty thousand liters~~  
24 ~~sold and for products over ten percent alcohol by volume,~~  
25 ~~thirty-two cents (\$.32) per liter on the first one hundred~~

.223431.3

~~seventy-five thousand liters sold and sixty-five cents (\$.65)  
per liter on the next two hundred thousand liters sold;~~

(1) from July 1, 2023 through June 30, 2027:

(a) on spirituous liquors, twenty-five  
cents (\$.25) per one and one-half ounce serving;

(b) on beer and cider, twenty-five cents  
(\$.25) per twelve ounce serving;

(c) on wine, twenty-five cents (\$.25)  
per five ounce serving; and

(d) on fortified wine, twenty-five cents  
(\$.25) per three and one-half ounce serving; and

(2) on and after July 1, 2027, the rates as  
determined pursuant to Subsection B of this section.

B. No later than April 30, 2027 and April 30 of  
each subsequent year, the department shall calculate the rates  
of liquor excise tax to be imposed as of July 1 of that year.  
The rates of the liquor excise tax shall be equal to the  
product, rounded down to the nearest whole cent, of the rates  
provided in Paragraph (1) of Subsection A of this section,  
multiplied by a fraction with a numerator equal to the consumer  
price index for the previous calendar year and a denominator  
equal to the consumer price index for the most current calendar  
year available.

~~[B.]~~ C. The volume of wine transferred from one  
winegrower to another winegrower for processing, bottling or

1 storage and subsequent return to the transferor shall be  
2 excluded pursuant to Section 7-17-6 NMSA 1978 from the taxable  
3 volume of wine of the transferee. Wine transferred from an  
4 initial winegrower to a second winegrower remains a tax  
5 liability of the transferor, provided that if the wine is  
6 transferred to the transferee for the transferee's use or for  
7 resale, the transferee then assumes the liability for the tax  
8 due pursuant to this section.

9 ~~[G.]~~ D. A transfer of wine from a winegrower to a  
10 wholesaler for distribution of the wine transfers the liability  
11 for payment of the liquor excise tax to the wholesaler upon the  
12 sale of the wine by the wholesaler.

13 E. As used in this section, "consumer price index"  
14 means the consumer price index for all urban consumers  
15 published by the United States department of labor for the  
16 month ending September 30."

17 **SECTION 2. EFFECTIVE DATE.**--The effective date of the  
18 provisions of this act is July 1, 2023.



underscored material = new  
[bracketed material] = delete

SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE HIGHER EDUCATION DEPARTMENT FOR  
A STUDY TO DETERMINE THE FEASIBILITY OF A PROGRAM THAT PROVIDES  
FREE TUITION TO GRADUATE STUDENTS IN PSYCHOLOGY, PSYCHIATRIC  
NURSING, SOCIAL WORK AND COUNSELING PROGRAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. APPROPRIATION.**--One hundred thousand dollars  
(\$100,000) is appropriated from the general fund to the higher  
education department for expenditure in fiscal year 2024 to  
conduct a study to determine the feasibility of a program that  
provides free tuition to graduate students in psychology,  
psychiatric nursing, social work and counseling programs in  
exchange for the graduate student's commitment to practice in  
New Mexico for a minimum of four years following graduation.

Any unexpended or unencumbered balance remaining at the end of

.223561.2





underscored material = new  
[bracketed material] = delete

SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE HIGHER EDUCATION DEPARTMENT TO  
STUDY THE FEASIBILITY OF CREATING ADDITIONAL TRAINING PROGRAMS  
FOR COMMUNITY HEALTH WORKERS AND COMMUNITY PEER COUNSELORS AT  
COMMUNITY COLLEGES AND BRANCH CAMPUSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. APPROPRIATION.**--One hundred thousand dollars  
(\$100,000) is appropriated from the general fund to the higher  
education department for expenditure in fiscal year 2024 to  
study the feasibility of creating additional training programs  
for community health workers and community peer counselors at  
community colleges and branch campuses. Any unexpended or  
unencumbered balance remaining at the end of fiscal year 2024  
shall revert to the general fund.

.223562.2



underscored material = new  
[bracketed material] = delete

HOUSE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH; AUTHORIZING THE NEW MEXICO FINANCE  
AUTHORITY TO MAKE RURAL HEALTH CARE PROJECT LOANS; ESTABLISHING  
TERMS FOR RURAL HEALTH CARE PROJECT LOANS; CREATING THE RURAL  
HEALTH CARE PROJECT REVOLVING FUND; PROVIDING POWERS AND  
DUTIES; REQUIRING REPORTS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] RURAL HEALTH CARE PROJECT  
LOANS--TERMS--REPAYMENT--CONSTRUCTION.--

A. The New Mexico finance authority shall receive  
and review applications for rural health care project loans  
pursuant to this section. The authority may make loans to  
qualifying rural health care providers; provided that funds are  
available and that the qualifying rural health care provider  
satisfies credit and identification criteria, as determined by

.223571.1

1 the authority. The New Mexico finance authority shall adopt  
2 rules to govern the application procedures and requirements for  
3 disbursing loans under this section for determining the  
4 eligibility of qualifying rural health care providers for  
5 loans.

6 B. The New Mexico finance authority shall evaluate  
7 an application based on information received from the applicant  
8 as well as third-party credit and identification reports. The  
9 authority may consult with the human services department and  
10 the department of health in evaluating applications; provided  
11 that a final determination shall be made solely by the  
12 authority.

13 C. The New Mexico finance authority shall make  
14 rural health care project loans in accordance with the  
15 following:

16 (1) the loan amount shall be in an amount not  
17 to exceed five hundred thousand dollars (\$500,000);

18 (2) the terms of the loan shall require that:

19 (a) the proceeds of the loan shall only  
20 be used for the planning, development and operation of a rural  
21 health care project or the purchase of an existing medical  
22 practice in a rural community, including legal fees, accounting  
23 fees, costs associated with leasing or purchasing a location or  
24 property for the rural health care project, equipment costs and  
25 staffing costs; provided that no more than twenty percent of

1 the proceeds of the loan may be used as compensation for  
2 employees who own equity in the rural health care project;

3 (b) the loan recipient provides a  
4 written certification signed by an appropriate officer of the  
5 qualifying rural health care provider that certifies that: 1)  
6 the officer understands that the provider is receiving a loan  
7 that must be repaid by the provider with interest under the  
8 terms of the loan agreement; 2) all documents submitted in  
9 support of the loan application and all statements and  
10 certifications made in the loan application are true and  
11 accurate to the best of the officer's knowledge; 3) the  
12 provider is current on all state and federal tax obligations;  
13 and 4) all loan proceeds will be used for purposes as provided  
14 in this section, including that no more than twenty percent of  
15 the proceeds of the loan may be used as compensation for  
16 employees who own equity in the rural health care project; and

17 (c) the loan recipient provides the New  
18 Mexico finance authority with ongoing information relevant to  
19 the reporting requirements of the authority provided in Section  
20 2 of this 2023 act; and

21 (3) the loan shall define specific guidelines  
22 related to personal guarantees or collateral, as determined by  
23 the authority.

24 D. Loans made pursuant to this section shall be  
25 made for loan periods not to exceed ten years, as determined by

1 the New Mexico finance authority in coordination with the  
2 qualifying rural health care provider. The loans shall bear an  
3 annual interest rate equal to one-half of the *Wall Street*  
4 *Journal* prime rate on the date the loan is made; provided that  
5 no interest shall accrue during the first year of the loan.

6 E. Interest shall begin to accrue on a rural health  
7 care project loan on the first anniversary of the funding date  
8 of the loan. Thereafter, for the next two years, the New  
9 Mexico finance authority shall require interest-only payments  
10 on a schedule determined by the authority. Beginning on the  
11 third anniversary of the funding date of the loan, payment on  
12 the outstanding principal and interest on the loan shall be due  
13 on a schedule determined by the authority for the remainder of  
14 the loan period.

15 F. Receipts from the repayment of principal or  
16 interest accrued on the rural health care project loans made  
17 pursuant to this section shall be deposited in the rural health  
18 care project revolving fund.

19 G. No provision in a rural health care project loan  
20 or the evidence of indebtedness of the loan shall include a  
21 penalty or premium for prepayment of the balance of the  
22 indebtedness.

23 H. The New Mexico finance authority may exercise  
24 any power provided to the authority in the New Mexico Finance  
25 Authority Act to assist in the administration of this section;

1 provided that the power is consistent with the provisions of  
2 that act.

3 I. As used in this section:

4 (1) "health care services" means services for  
5 the diagnosis, prevention, treatment, cure or relief of a  
6 physical, dental, behavioral or mental health condition,  
7 substance use disorder, illness, injury or disease, which  
8 services include procedures, products, devices or medications;  
9 but does not include services offered by a licensed hospital or  
10 a dispenser pursuant to the Controlled Substances Act;

11 (2) "health care underserved area" means a  
12 geographic area or practice location in which it has been  
13 determined by the department of health, through the use of  
14 indices or other standards set by the department of health,  
15 that sufficient health care services are not being provided;

16 (3) "qualifying rural health care provider"  
17 means an individual, foreign or domestic corporation, general  
18 partnership, limited liability company, limited partnership,  
19 professional corporation, joint venture, business trust, public  
20 benefit corporation, nonprofit entity or other private business  
21 entity or combination thereof that has made a legal commitment  
22 to the New Mexico finance authority to plan and develop a rural  
23 health care project, if approved for a rural health care  
24 project loan, but does not include an entity licensed as a  
25 hospital in this state or any other business entity with annual

gross revenue that exceeds fifty million dollars (\$50,000,000);

(4) "rural community" means an area or location identified by the department of health as falling outside of an urban area that has also been determined by the department of health to be a health care underserved area; and

(5) "rural health care project" means a business entity that provides health care services to individuals within a rural community, as determined by the New Mexico finance authority.

SECTION 2. ~~[NEW MATERIAL]~~ RURAL HEALTH CARE PROJECT  
LOANS--REPORTS--CONFIDENTIALITY.--

A. Prior to October 1, 2024 and each October 1 thereafter, the New Mexico finance authority shall submit a report to the department of health, the human services department, the legislature, the legislative finance committee, the New Mexico finance authority oversight committee and any other appropriate legislative interim committee. The report shall provide details regarding any loans made pursuant to Section 1 of this 2023 act. The report shall include:

(1) the total number of loans made pursuant to Section 1 of this 2023 act and the individual amount of each loan;

(2) the total number of loan applications;

(3) the average and median amount of money provided to loan recipients;



1 (4) the total amount of principal and interest  
2 repaid by loan recipients;

3 (5) the total number of loans and the amount  
4 of those loans, if any, in a delinquent status or default;

5 (6) the total number of loan recipients that  
6 are in the process of filing or have filed for bankruptcy;

7 (7) the total number of full-time employees  
8 and part-time employees currently employed by a loan recipient;  
9 and

10 (8) an overview of the communities served and  
11 the health care services provided by loan recipients.

12 B. Information obtained by the New Mexico finance  
13 authority regarding individual loan applicants and recipients,  
14 including information used to analyze a loan application, is  
15 confidential and not subject to inspection pursuant to the  
16 Inspection of Public Records Act; provided that nothing in this  
17 section shall prevent the authority from disclosing broad  
18 demographic information and information relating to the total  
19 amount of loans made, the total outstanding balance of loans  
20 made and the names of the loan recipients.

21 SECTION 3. [NEW MATERIAL] RURAL HEALTH CARE PROJECT  
22 REVOLVING FUND.--

23 A. The "rural health care project revolving fund"  
24 is created within the New Mexico finance authority. The fund  
25 shall be administered by the authority as a separate account

.223571.1

1 and may consist of such subaccounts as the authority deems  
2 necessary to carry out the purposes of the fund. The authority  
3 may establish procedures for administering the fund in  
4 accordance with the provisions of Section 1 of this 2023 act.

5 B. Money from payments of principal of, interest on  
6 and other fees or charges paid to the New Mexico finance  
7 authority in connection with loans made pursuant to Section 1  
8 of this 2023 act shall be deposited in the rural health care  
9 project revolving fund.

10 C. Money in the rural health care project revolving  
11 fund is appropriated to the New Mexico finance authority to:

12 (1) pay the reasonably necessary  
13 administrative and other costs incurred by the authority in  
14 evaluating, processing, originating and servicing loans made  
15 pursuant to Section 1 of this 2023 act; and

16 (2) make loans in accordance with the  
17 provisions of Section 1 of this 2023 act.

18 D. Money in the rural health care project revolving  
19 fund that is not needed for immediate disbursement, including  
20 money held in reserve, may be deposited or invested in the same  
21 manner as other funds administered by the New Mexico finance  
22 authority.

23 SECTION 4. APPROPRIATION.--Seven million five hundred  
24 thousand dollars (\$7,500,000) is appropriated from the general  
25 fund to the rural health care project revolving fund for

.223571.1

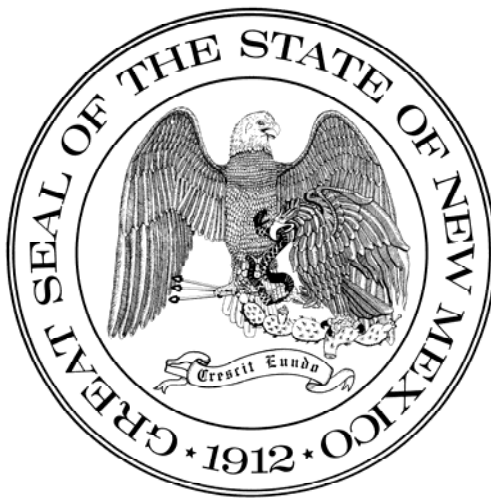
1 expenditure in fiscal year 2024 and subsequent fiscal years by  
2 the New Mexico finance authority for the purposes of carrying  
3 out the provisions of Section 1 of this 2023 act. Any  
4 unexpended or unencumbered balance remaining at the end of a  
5 fiscal year shall not revert to the general fund.

6 SECTION 5. EFFECTIVE DATE.--The effective date of the  
7 provisions of this act is July 1, 2023.

8 - 9 -  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25







LEGISLATIVE COUNCIL SERVICE  
SANTA FE, NEW MEXICO