

**2018 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE,
DISABILITIES CONCERNS SUBCOMMITTEE
and
BEHAVIORAL HEALTH SUBCOMMITTEE**

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Rep. Rebecca Dow

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Legislative Health and Human Services Committee (LHHS) and Subcommittees

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. The Disabilities Concerns Subcommittee (DCS) is a permanent subcommittee of the LHHS, created pursuant to Section 2-13-3.1 NMSA 1978, and the Behavioral Health Subcommittee (BHS) was established by the New Mexico Legislative Council on April 26, 2018.

Work Plan

The LHHS will focus on 13 major areas this interim. The statutory DCS and the nonstatutory BHS will not be convened this interim. Instead, the matters that the subcommittees traditionally cover will be covered by the larger LHHS.

The LHHS began the interim with a hearing that provided an educational overview of the programs, agencies, policies, issues and needs relating to health care coverage and delivery in the state. Committee staff, agency staff and representatives of New Mexico advocacy organizations provided this overview at the May 24, 2018 organizational meeting.

I. PUBLIC HEALTH

Among other matters, the LHHS will discuss general public health, including the role of the Department of Health (DOH), school-based health centers and the following matters as public health matters:

- matters identified during the National Conference of State Legislatures' and Association of State and Territorial Health Officials' 2016 conference on "winnable battles", including:
 - tobacco use; and
 - increasing access to long-acting reversible contraception;
- hunger, including reporting pursuant to the following memorials related to hunger:
 - 2018 House Memorial 90 requesting creation of a hunger council;
 - 2018 House Memorial 55 regarding reduction of school food waste to benefit hungry schoolchildren;
 - reporting pursuant to 2018 Senate Memorial 76 relating to cuts to meal programs and other services for seniors; and
 - 2018 Senate Joint Memorial 16, which pertains to the availability of federal funding to improve student nutrition and reduce lunch debt;
- the state's rate of obesity and efforts to address obesity; and
- a proposal to extend the applicability to all schools of a state law that provides for school food donations.

The committee will also hear testimony regarding the status of DOH-run facilities and clinical services and the department's general role in promoting public health.

II. WORKFORCE AND SCOPE OF PRACTICE

To address the state's health care and human services workforce needs, the LHHS will hear matters relating to the workforce in general, including reports from the New Mexico Health Care Workforce Committee and the New Mexico Nursing Education Consortium. The committee will also hear the following scope of practice matters:

- reports from the Pediatric Specialty Care Task Force pursuant to 2018 House Memorial 14;
- reports from the Physical Therapy Workforce Incentives Study Group pursuant to 2018 House Memorial 64;
- testimony on the enhanced Nurse Licensure Compact passed pursuant to 2018 Senate Bill 1 and discussion of 2018 Senate Bill 136;
- testimony on a proposed compact for psychology and telehealth;
- the creation of a dental therapist profession and other matters affecting the oral health care professions;
- changes to the scopes of practice of chiropractic physicians;
- a review of funding for the state's health professional loan repayment assistance and loan-for-service programs;
- a proposal to license the practice of naturopathy; and
- reporting from the Board of Nursing's Safe Harbor for Nurses Task Force pursuant to 2017 Senate Joint Memorial 13 on the provision of peer review to nurses in circumstances involving a possible conflict between the nurses' duties to patients and their employers.

III. HEALTH CARE SYSTEM REFORM

The LHHS will devote extensive time to hearing reports pursuant to memorials on health care systems, including:

- 2018 House Memorial 9 and 2018 Senate Memorial 3 exploring the possibility of a Medicaid "buy-in" option, where members of the general public could purchase coverage through a Medicaid health plan;
- 2018 Senate Memorial 7 regarding a health insurance market stability task force;
- 2018 Senate Memorial 4 and 2018 House Memorial 8 requesting the creation of a University of New Mexico movement disorders center;
- 2018 Senate Memorial 44 requesting the convening of, and a legislative report from, a New Mexico health council system task force made up of county and tribal health councils;
- 2018 Senate Joint Memorial 15 requesting that the DOH and the Southwest University of Naprapathic Medicine study the possible benefits of naprapathic medicine in managing acute and chronic pain;
- 2018 House Memorial 106 requesting that the secretary of corrections undertake a formal cost-benefit analysis of the possibility of returning to a corrections health care system directly administered by the Corrections Department in partnership with other

- state agencies. While reporting is not requested until November 1, 2019, the LHHS proposes to hear a progress report during the 2018 interim; and
- 2018 Senate Memorial 108 requesting that the Indian Affairs Department lead an Indian health care task force to assess the impact to the state's General Fund when members of federally recognized tribes receive health care from state-run health care facilities and from health care facilities outside of the federal Indian Health Service and tribally administered "638" sites.

In additional reporting pursuant to memorials, the LHHS will hear testimony on:

- health disparities;
- a proposal for a health care coordination commission;
- aid in dying;
- billing practices pursuant to which covered persons receive unexpected health care bills for services provided out of network; and
- changes in federal insurance laws that waive requirements for "essential health benefits" and related matters.

IV. EARLY CHILDHOOD

The LHHS will discuss a number of issues related to early childhood services, including:

- 2018 Senate Memorial 95 requesting that the J. Paul Taylor Early Childhood Task Force continue investigating the effects of parental mental illness, substance use disorder and family violence on young children and continue its work in recommending policies to create a behavioral health system that addresses multigenerational family needs;
- Legislative Finance Committee (LFC) staff reporting on the state's child care system;
- medical evidence concerning the need for assessment and appropriate intervention in cases of infants at risk for cerebral palsy before six months of age, when connections in the brain are forming;
- the role of Head Start programs and their integration with early childhood shared services programs;
- a strengths-based assessment of children in lieu of, or to complement, screening for adverse childhood experiences;
- expert testimony on the sharing of data among state agencies to prevent child abuse and neglect;
- expert testimony on recent changes to federal foster care law;
- 2018 House Memorial 103 on services for youth in foster care;
- a presentation of the book *Anna, Age 8: The Data-Driven Prevention of Childhood Trauma and Maltreatment* by Dr. Katherine Ortega Courtney and Dominic Cappello; and
- training and support for the child care workforce, as well as data on the current and projected early childhood development workforce.

V. HEALTH CARE INFRASTRUCTURE

The LHHS will explore many topics relating to the state's health care infrastructure, including:

- matters relating to hospitals, including:
 - the health of rural hospitals;
 - global budgeting, per the Johns Hopkins Hospital and other models;
 - the creation of a multi-hospital generic pharmaceuticals company to address rising prices and the scarcity of generic drugs;
 - models of hospital systems; and
 - virtual hospitals;
- a discussion of the current climate and roles in pharmaceuticals retail, coverage and regulation in the state, including community pharmacies, pharmacy benefits managers, insurers and manufacturers;
- a proposal for a behavioral health inpatient facility in southern New Mexico, including an LFC staff review of that proposal;
- the funding of rural emergency medical services;
- proposals to establish new guidelines for health facility staffing;
- an update on the work of the New Mexico Direct Caregivers Coalition leading the task force established pursuant to 2017 Senate Joint Memorial 6 relating to implementation of federal wage and overtime laws for direct caregivers;
- the extension of the rural health care practitioner tax credit to social workers and pharmacists;
- 2017 Senate Joint Memorial 16 regarding the state's trauma systems; and
- reporting pursuant to 2018 Senate Joint Memorial 8 on the possibility of creating a statewide 911 oversight board.

VI. PROTECTIVE SERVICES AND WELL-BEING IN CORRECTIONS SETTINGS

A. The LHHS and the Courts, Corrections and Justice Committee (CCJ) will hold a joint meeting in which the following matters will be covered:

- violence, including:
 - gun violence, including research by the National Institutes of Health and Victor La Cerva, M.D.;
 - domestic violence, including batterer interventions;
 - sexual violence, including sexual violence against individuals with disabilities; and
 - the promotion of training on the risks and effects of strangulation;
- guardianships and conservatorships, including:
 - oversight questions and cost of implementing the uniform act;
 - temporary guardianships and the fate of hospitals in those situations;
 - a general talk on civil rights, including when someone can have a guardian or conservator appointed;
 - the Developmental Disabilities Planning Council's role in indigent care;

- child protective services, including the LFC's recommendations for an overhaul; and
- 2018 House Memorial 94 regarding grandparents raising grandchildren; and
- the state's juvenile justice system.

B. The LHHS will cover the following matters relating to protective services and to well-being in corrections settings:

- reporting pursuant to 2018 House Memorial 106 regarding prison and jail health care, including substance use disorder services;
- 2018 House Memorial 89 on human trafficking and services for victims;
- proposed changes to the state's medical malpractice laws;
- reporting pursuant to 2018 House Memorial 82 on the role of free legal services in protective services and other matters;
- boarding homes, including whether the DOH or another entity should have responsibility; and
- nursing homes and the role of the Office of the State Long-Term Care Ombudsman.

VII. CANNABIS

The LHHS will:

- receive reporting pursuant to 2018 Senate Memorial 105 requesting that a task force make recommendations regarding medical cannabis affordability and accessibility and regarding intergovernmental agreements to allow Indian tribal governments to participate as medical cannabis producers;
- receive reporting pursuant to 2018 House Memorial 67 and 2018 Senate Memorials 55 and 110 proposing to study the implications of using medical cannabis for treatment and avoiding opioid use disorders;
- hear testimony about schools and workplaces that ban medical cannabis;
- examine the implications of expanding the legal use of cannabis, including the benefits of increased research, the risks of greater legalization and marketing considerations;
- examine barriers to students' access to cannabis medication in schools that is otherwise authorized under state law; and
- consider proposed changes to the Lynn and Erin Compassionate Use Act and expansion of eligibility under the state's medical cannabis program.

VIII. DATA AND INFORMATION TECHNOLOGY

The LHHS will hear testimony on several matters relating to information technology and the collection and application of health-related data. It will review legislative proposals for health system interoperability, such as the one proposed in 2018 Senate Bill 145. The committee will also examine the status of the Human Services Department's (HSD's) ongoing information technology upgrade and further investigate proposals for an all-payer claims database in the state. The committee will hear testimony on the use of data analytics to assist health coverage entities

to improve health care. Finally, the committee will examine state and federal privacy laws and possible means of aligning them to ensure adequate protection while removing barriers to health care.

IX. PRESCRIPTION DRUGS

The LHHS will hear testimony on state practices to use data and evidence-based policy in creating formularies; an update on the prescription drug recycling program; the State Medicaid Alternative Reimbursement and Purchasing Test for High-Cost Drugs; and a drug effectiveness review project. The committee will request expert testimony on effectiveness review from the Center for Evidence-Based Policy.

X. MEDICAID

The LHHS will hear updates on many aspects of the state's Medicaid program, including:

- the waiver renewal application for "Centennial Care 2.0" that is currently under federal consideration and the status of Medicaid managed care;
- an update on the *Deborah Hatten-Gonzales* litigation, including special master reporting and autoclosure stipulation;
- a proposal to provide for reimbursement to spouses for the delivery of Medicaid personal care services;
- the potential resolution of the *Jackson* class action lawsuit; and
- 2018 Senate Bill 192 using a health care quality surcharge to fund reimbursement increases for nursing facilities and intermediate care facilities.

XI. HUMAN SERVICES AND FAMILY SUPPORTS

The LHHS will hear testimony on a number of issues relating to supporting the health and well-being of families, including:

- reporting on patient mental health from LFC staff pursuant to 2018 House Joint Memorial 2;
- reporting pursuant to 2018 House Memorial 4 on parental paid leave, with reporting from the Parental Paid-Leave Working Group established in 2015;
- school-based health centers;
- a presentation on the proposal for a family-friendly tax credit;
- a presentation that details the types and administration of nutritional, housing, employment and other public benefits programs offered in the state;
- proposed changes to the State Early Learning Advisory Council;
- the community schools model;
- early childhood education; and
- child care services.

XII. DISABILITIES

The DCS will meet as a committee of the whole; namely, the chair and vice chair of the DCS will conduct meetings relating to disabilities concerns at a convening of the whole LHHS membership.

The matters that the LHHS will hear include:

- testimony about the status of the developmental disabilities supports and services waiver, including issues such as:
 - the length of the current waiting list and proposals for shortening or eliminating it;
 - the status of acuity assessments, including the Supports Intensity Scale;
 - the number of individuals served with community benefit services while awaiting allocation; and
 - a proposal for a supports waiver for individuals awaiting allocation;
- employment for people living with disabilities, including issues such as:
 - the incidence of subminimum wage employment in the state;
 - recommendations relating to whether exceptions to the state's minimum wage laws should remain in effect; and
 - the status of the Vocational Rehabilitation Division under the Public Education Department (PED) and proposals for moving it; and
- reporting from the Autism Spectrum Disorder Needs Task Force established pursuant to 2017 Senate Memorial 79.

XIII. BEHAVIORAL HEALTH

The BHS will meet as a committee of the whole; namely, the chair and vice chair of the BHS will conduct meetings relating to behavioral health at a convening of the whole LHHS membership.

The topics that the LHHS will cover in behavioral health include:

- an introduction to the single, statewide behavioral health managed care entity, Falling Colors, with which the Interagency Behavioral Health Purchasing Collaborative has contracted;
- suicide prevention, including reporting pursuant to 2018 Senate Joint Memorial 1 on veteran suicide prevention;
- reporting pursuant to 2018 Senate Bill 220 on crisis triage center administration;
- reporting pursuant to 2018 House Memorial 56 on heroin-assisted treatment;
- reporting pursuant to 2018 House Memorial 97 on grief counseling;
- a "summit" on the issue of alcohol use disorder and the agencies and programs that offer treatment in which there are in-depth discussions and recommendations made for further action; and
- testimony related to best practices in substance use disorder treatment and recovery by experts and providers.

The LHHS will also hear reporting pursuant to 2018 House Memorial 107, which proposes that the LESC create a task force made up of the PED, the HSD, the Children, Youth and Families Department and other entities to continue investigating the effects of adverse childhood events and make recommendations for creating a two-generation behavioral health system.

**Legislative Health and Human Services Committee
2018 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
May 24	State Capitol Room 307
July 9	Fort Bayard
July 10-11	Silver City
August 6-9	Albuquerque (August 6-7: joint meeting with the Courts, Corrections and Justice Committee)
August 22-24	Rio Rancho
September 26-28	Las Cruces
October 9-12	State Capitol Room 322
October 23	Hernandez
October 24-26	State Capitol Room 317
November 8-9	State Capitol Room 322
December 7*	State Capitol Room 322

*This meeting was approved at the October 15, 2018 meeting of the New Mexico Legislative Council.