

HOUSE BILL 466

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

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AN ACT

RELATING TO HEALTH; ESTABLISHING A MALNUTRITION COMMISSION TO  
STUDY THE IMPACT OF MALNUTRITION STATEWIDE AS IT RELATES TO  
HEALTH CARE, EDUCATION AND PREVENTION.

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

**SECTION 1. TEMPORARY PROVISION--CREATING A MALNUTRITION  
COMMISSION--MEMBERSHIP--DUTIES.--**

A. The secretary of health shall convene a  
"malnutrition commission" to identify goals and benchmarks to  
develop home- or community-based programs to reduce the  
incidence of malnutrition in the state, improve malnutrition  
care statewide and reduce the incidence of medical or health  
complications associated with malnutrition.

B. By August 13, 2019, the governor shall appoint  
the following members to the commission:

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- 1 (1) a representative from the department of
- 2 health;
- 3 (2) a representative from the aging and
- 4 long-term services department;
- 5 (3) a representative from the New Mexico
- 6 department of agriculture;
- 7 (4) a representative from the public education
- 8 department;
- 9 (5) a representative from the human services
- 10 department;
- 11 (6) a representative from the Indian affairs
- 12 department;
- 13 (7) a representative from a publicly funded
- 14 health care agency that makes purchases pursuant to the Health
- 15 Care Purchasing Act;
- 16 (8) a representative from the university of
- 17 New Mexico health sciences center;
- 18 (9) a physician licensed pursuant to the
- 19 Medical Practice Act or the Osteopathic Medicine Act;
- 20 (10) a researcher employed by an accredited
- 21 university or college with expertise in the field of
- 22 gerontology or nutrition;
- 23 (11) an individual who represents hospitals or
- 24 integrated health systems;
- 25 (12) two registered nurses licensed pursuant

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1 to the Nursing Practice Act who provide home health care;

2 (13) a dietitian whose current practice  
3 includes the older adult population;

4 (14) a dietitian whose current practice  
5 includes working in an early childhood program or public school  
6 program;

7 (15) a dietitian who represents an  
8 organization in the state that advocates for the dietetics  
9 profession and promotes nutrition, health and well-being;

10 (16) representatives from each of the New  
11 Mexico area agencies on aging;

12 (17) a researcher employed by an accredited  
13 college or university with expertise in issues related to  
14 childhood nutrition; and

15 (18) a representative from the fast food  
16 industry.

17 C. An appointed member shall hold office until the  
18 commission ceases to exist. A vacancy shall be filled in the  
19 same manner as the original appointment. The secretary of  
20 health or the secretary's designee shall serve as chair of the  
21 commission.

22 D. A member shall serve without compensation  
23 except:

24 (1) to the extent that serving on the  
25 commission is considered part of the member's regular duties of

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1 employment; and

2 (2) public members may receive per diem and  
3 mileage pursuant to the Per Diem and Mileage Act.

4 E. The commission shall meet at the call of the  
5 chair but at a minimum of three times prior to submitting its  
6 report, recommendations and findings to the governor.

7 F. Two-thirds of the members shall constitute a  
8 quorum for the conduct of business.

9 G. The commission shall:

10 (1) study the impact of malnutrition on older  
11 adults and children in all health care settings in this state;

12 (2) investigate effective strategies for  
13 reducing the incidence of malnutrition among older adults and  
14 children;

15 (3) monitor the influence of malnutrition on  
16 the health care costs and outcomes, quality indicators and  
17 quality of life measures of older adults and children;

18 (4) develop strategies for improving data  
19 collection and analysis regarding malnutrition risks, health  
20 care costs and protective factors for older adults and  
21 children;

22 (5) develop strategies for maximizing the  
23 dissemination of proven, effective malnutrition prevention  
24 intervention models, including community nutrition programs,  
25 medical nutrition therapy and oral nutrition supplements;

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1 (6) identify evidence-based strategies that  
2 raise public awareness of malnutrition among older adults and  
3 children, such as educational materials, social marketing and  
4 statewide campaigns;

5 (7) identify evidence-based malnutrition  
6 prevention intervention models, including community nutrition  
7 programs, that reduce the rate of malnutrition among older  
8 adults and children and reduce the rate of rehospitalization  
9 due to conditions caused by malnutrition, and identify barriers  
10 to those intervention models;

11 (8) identify models for integrating the value  
12 of malnutrition care into health care quality evaluations  
13 across health care payment models;

14 (9) examine the components and key elements of  
15 malnutrition prevention intervention initiatives, consider  
16 their applicability in this state and develop strategies for  
17 testing, implementation and evaluation of the initiative; and

18 (10) prepare a report of its findings and  
19 recommendations.

20 H. By June 14, 2020, the commission shall:

21 (1) submit a copy of its findings and  
22 recommendations to the governor; and

23 (2) report its findings and recommendations to  
24 the legislative health and human services committee.

25 I. The commission shall cease to exist upon

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1 reporting its findings to the legislative health and human  
2 services committee.

3 J. For the purposes of this section:

4 (1) "commission" means the malnutrition  
5 commission;

6 (2) "dietitian" means an individual who is  
7 licensed pursuant to the Nutrition and Dietetics Practice Act  
8 and who engages in nutrition or dietetics practice; and

9 (3) "older adult" means an individual who is  
10 at least fifty years of age or older.