

<b>LFC Requester:</b>	<b>Jennifer Faubion</b>
-----------------------	-------------------------

**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** 1/17/24  
**Bill No:** HB6

**Sponsor:** Rep. Christine Chandler  
**Short Title:** PAID FAMILY AND MEDICAL LEAVE ACT

**Agency Name and Code**    HCA-630  
**Number:** \_\_\_\_\_  
**Person Writing**    Dustin Acklin, Melanie  
**Phone:** 505-709-    **Email** [Dustin.acklin@hds.nm](mailto:Dustin.acklin@hds.nm)

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0	\$0	NA	NA
\$0	\$0	NA	NA

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0	NA	NA
\$0	\$0	\$0	NA	NA

(Parenthesis ( ) Indicate Expenditure Decreases)

## **ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	\$0	\$0	\$0	\$0	NA	NA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: House Bill 006 (HB 006) would enact the Paid Family and Medical Leave Act and create a Paid Family and Medical Leave Fund. The Paid Family and Medical Leave Act program would allow employees to file a claim or application for leave compensation allow employees to bond with new child or to care for a family member; limit the time allowed for Paid Family and Medical Leave, exempting certain employees, and provided administration of the program by the Department of Workforce Solutions. The Bill also creates a temporary advisory committee.

#### **FISCAL IMPLICATIONS**

HB 006 would require the Health Care Authority (HCA) to contribute an amount equal to four tenths percent to each participating employee's earnings to fund the administrative costs of the program. Additional fiscal impacts of the bill are unclear as premium rates may change from year to year.

HB 006 would also require that for the Self-Directed Medicaid Home and Community-Based Services (HCBS) programs (Mi Via, Self-Directed Supports Waiver, and Self-Directed Community Benefit) funds be added to the members'/participants' budgets to cover the cost of paid family medical leave. It is unknown at this time what the cost of these additions would be.

#### **SIGNIFICANT ISSUES**

The bill does not specify how employee contributions will be collected (payroll deduction or employee pays third party administrator).

HB 006 does not address whether an employee is allowed to utilize their own accrued leave in conjunction with their claim for leave compensation under the Paid Family and Medical Leave Act. HSD currently allows employees to utilize their own accrued leave while approved for leave taken under the federal Family and Medical Leave Act (FMLA) and other medical leave policies. Employees often utilize their accrued leave to pay for their portion of benefits contributions while out on medical leave.

HB 006 does not define the application year.

Under the Medical Assistance Division (MAD), Home and Community Based Services Waiver (HCBS) programs such as the 1915c waivers (developmental disabilities and medically fragile

waivers) and Community Benefit, direct service providers are reimbursed through funds approved on a recipient's waiver budget. Direct service providers are employed directly by the recipient under self-directed programs or through a provider agency. It is unclear if the provider agency or the recipients' waiver funds will be responsible to cover the cost of paid employee medical leave.

#### **PERFORMANCE IMPLICATIONS**

None

#### **ADMINISTRATIVE IMPLICATIONS**

None

No IT impact

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

#### **TECHNICAL ISSUES**

None

#### **OTHER SUBSTANTIVE ISSUES**

None

#### **ALTERNATIVES**

None

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

#### **AMENDMENTS**

None