

LFC Requester:

Sunny Liu

AGENCY BILL ANALYSIS  
2024 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

**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 1/23/24

Bill No: SB132

Sponsor: Sen. Maestas  
Short Title: School Plans for Support Services

Agency Name and Code HSD-630  
Number:  
Person Writing Christie Guinn  
Phone: 505-490-1169 Email christie.guinn@hsd.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0	\$0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0	N/A	N/A

(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	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Duplicates HB 229  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: Senate Bill 132 (SB132) proposes to amend sections of the Public School Code by providing certain specialized support services ancillary to special education, including medical, behavioral health or adaptive physical education services; providing that school districts and charter schools include specialized support services in department-approved educational plans.

SB132 added that each school district or charter school shall establish within its department-approved educational plan specialized supports services ancillary to special education. Specialized support services include, medical support services, behavioral health supports services and adaptive physical education supports.

**FISCAL IMPLICATIONS**

No fiscal impact to the Medicaid program.

**SIGNIFICANT ISSUES**

None for HSD

**PERFORMANCE IMPLICATIONS**

None for HSD

**ADMINISTRATIVE IMPLICATIONS**

None for HSD  
No IT impact.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Duplicates HB 229

**TECHNICAL ISSUES**

None

## **OTHER SUBSTANTIVE ISSUES**

The Medicaid School-Based Services (MSBS) Program allows NM school districts and charter schools to seek reimbursement for covered services provided to Medicaid-enrolled students that are provided through an Individualized Education Plan (IEP), Individual Family Service Plan (IFSP), a Section 504 Accommodation Plan pursuant to 34 C.F.R. 104.36, an Individual Health Care Plan, or are otherwise medically necessary as appropriate for each covered service. These Medicaid-covered services include Physician Services, Nursing Services, Psychology Services, Counseling Services, Social Work Services, Speech-Language Services, Audiology Services, Occupational Therapy, Physical Therapy, and Specialized Transportation.

There are additional services provided by school districts and charter schools that currently are outside the scope of billing for the MSBS program that are not covered in the current Medicaid state plan. Schools are not allowed to seek reimbursement from Medicaid for these services. The bill specifically identifies applied behavioral analysis and adaptive physical education; however, these are both services that are not currently included in the MSBS plan and would not be added as they are not viewed as related services under the Individuals with Disabilities Education Act (IDEA) (Section 300.34 CFR).

The addition of charter schools in this bill does not change any requirements for the MSBS Program as charter schools are already allowed to participate.

## **ALTERNATIVES**

None

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

Status quo

## **AMENDMENTS**

None