

## AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**  
**[AgencyAnalysis.nmlegis.gov](mailto:AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)**  
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### **SECTION I: GENERAL INFORMATION**

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

**Date Prepared:** 1/21/2026 **Check all that apply:**  
**Bill Number:** HB 38 **Original**  **Correction**   
**Amendment**  **Substitute**

**Sponsor:** Rep. Cates  
**Short Title:** Wheelchair Insurance Coverage

**Agency Name and Code Number:** Developmental Disabilities Council 647  
**Person Writing**  
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### **SECTION II: FISCAL IMPACT**

#### **APPROPRIATION (dollars in thousands)**

<b>Appropriation</b>		<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>		
0	0	N/A	N/A

#### **REVENUE (dollars in thousands)**

<b>Estimated Revenue</b>			<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY26</b>	<b>FY27</b>	<b>FY28</b>		
0	0	0	N/A	N/A

(Parenthesis ( ) indicate revenue decreases)

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

	<b>FY26</b>	<b>FY27</b>	<b>FY28</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/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

Synopsis: This bill revises several current statutes to change current laws applicable to “prosthetics devices and orthotic devices” to “prosthetic devices, custom orthotic devices, wheelchairs, or activity chairs.” The bill would apply to the Coverage would be required when the patient has a documented permanent physical condition that significantly limits the person’s ability to independently and safely ambulate or perform activities of daily living.

By modifying this language in several statutes, the bill would:

- a. Mandate insurance coverage for all such devices when deemed medically necessary to treat someone with documented physical limitations, including limb loss, limb absence, limb difference, or other conditions that limit a person’s ability to ambulate and/or perform activities of daily living. This includes repairing and/or replacing such items when necessary, without limitation by continuous use or lifetime restrictions.
- b. Make it an unfair trade practice on the basis of disability to deny providing any such device when the same would not be denied to a non-disabled person seeking medical or surgical intervention to maintain the ability to perform such activities to safely ambulate and/or perform activities of daily living;
- c. Require all individual health insurance plans, group health insurance plans, to consider such devices habilitative or rehabilitative benefits for purposes of state or federal coverage of essential health benefits.

### **FISCAL IMPLICATIONS**

This bill likely will have implications for health insurers and health insurance plans, and almost definitely will benefit the constituents receiving services from DDC. But there will not be any fiscal impact to DDC from passage of this bill.

### **SIGNIFICANT ISSUES**

#### **PERFORMANCE IMPLICATIONS**

#### **ADMINISTRATIVE IMPLICATIONS**

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

#### **TECHNICAL ISSUES**

#### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

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

#### **AMENDMENTS**

