

Vetoed Health & Human Services Legislation from the Fifty-First Legislature, First Session, 2013

Michael Hely, Staff Attorney
New Mexico Legislative Council Service

Legislative Health and Human Services Committee
July 2, 2013
Albuquerque

House Judiciary Committee Substitute for House Bill (HB) 146, as amended (Maestas)

- would have:
 - restricted how much non-prescription ephedrine pseudoephedrine can purchase at one time (3.6 gram/day; 9 gram/30-day period); and
 - tracked ephedrine & pseudoephedrine sales through a national, real-time database.
- House Executive Message No. 42 stated that the bill would have:
 - duplicated provisions of the state Controlled Substances Act;
 - duplicated the state's existing methamphetamine electronic tracking system;
 - resulted in a reduction in penalties for illegal purchase/sale of pseudoephedrine; and
 - had a negative effect upon efforts to curb methamphetamine production.

HB (HB) 155, as amended (Miguel Garcia)

- would have imposed a \$5 fee for disabled parking placards.
- In House Executive Message 2, Governor Martinez states that she “cannot sign legislation that would impose a fee on New Mexico’s elderly and other individuals with disabilities that may live on a fixed income.”

Senate Bill (SB) 4, as amended (Cisneros)

- would have:
 - expanded state gross receipts tax (GRT) deductions currently extended to certain health care providers to include dialysis facilities' receipt of Medicare payments; and
 - repealed the GRT deduction for health care services under 7-9-77.1 NMSA 1978 on 7/1/2021).
- In Senate Executive Message No. 52, Governor Martinez stated her opposition to the repeal of the health-care GRT deductions.

Senate Public Affairs Committee Substitute for SB 65, as amended (Ortiz y Pino)

- would have required that an incarcerated individual be provided with an opportunity to review eligibility for Medicaid upon release.
- In Senate Executive Message No. 60, Governor Martinez stated that the bill would place an “undue burden” on state agencies, on the Medicaid electronic enrollment system and that it duplicates an existing agreement between several agencies.

SB 171, as amended (Rodriguez)

- would have repealed the Disabilities Concerns Subcommittee statute and replaced it with the Disabilities Concerns Committee.
- Governor Martinez states in Senate Executive Message No. 51 her belief that this would not yield improved outcomes for developmentally disabled individuals.

SB 269, as amended (Papen)

- would have:
 - amended 7-9-73.2 NMSA 1978, which provides a GRT deduction for Rx drugs, oxygen and oxygen services to provide a GRT deduction for all durable medical equipment; and
 - repealed all GRT deductions under 7-9-73.2 NMSA 1978 on 1/1/17
- In Senate Executive Message No. 52, Governor Martinez stated that she opposed the 2017 repeal of the 7-9-73.2 NMSA 1978 GRT deductions.

SB 458, as amended (Rodriguez)

- would have:
 - required the Human Services Department (HSD) and the Department of Health (DOH) to obtain prior legislative approval before making major changes to the developmental disabilities Medicaid waiver; and
 - required the HSD and DOH to pursue a modification to the current DD waiver to reestablish the provisions of the waiver in effect before June 1, 2011.

SB 458, as amended (Rodriguez) -- continued

- In Senate Executive Message No. 51, Gov. Martinez stated:
 - that the bill would: “void” the Executive’s efforts and resource contributions to the DD waiver program since June 1, 2011;
 - that, [b]efore New Mexico began reforming its DD Waiver program” the program costs were growing at an “unsustainable rate”; and
 - an anticipated 1,100 new clients are expected to be removed from the waiting list

Pocket Vetoes

- House Business and Industry Committee Substitute for HB 171, as amended (Easley) – would have required insurers to cover telemedicine services.
 - HB 171 was an exact replica of Senate Judiciary Committee Substitute for SB 69 (Ortiz y Pino), which has been enacted into law.

Pocket Vetoes (continued)

- HB 260, as amended (Kane) – would have changed the Medical Imaging and Radiation Therapy Health and Safety Act to exempt a doctor of oriental medicine from the provisions of the Act when performing diagnostic musculoskeletal ultrasound or ultrasound procedure guidance.

Pocket Vetoes (continued)

- HB 327 (Egolf/Griego) – would have included physical education student credit hours in the funding formula for community colleges.
- HB 343 (Dodge) – would have allowed 501(c)(3)s and nonprofits that receive a majority of funding from the state to enroll in state employee/retiree health coverage offered through the Group Benefits Act.

Pocket Vetoes (continued)

- Senate Public Affairs Committee Substitute for SB 43, as amended (Lopez)—would have required substance abuse treatment providers to prioritize providing services for pregnant women. If a provider did not receive federal funds, it would be required to refer pregnant women to services.

Pocket Vetoes (continued)

- SB 172 (Rodriguez)—would have repealed the July 1, 2013 sunset (and 7/1/14) repeal of the Signed Language Interpreting Practices Act. With the veto, the Sign Language Interpreting Practices Board is defunct as of July 1, 2013.

Pocket Vetoes (Continued)

- SB 382, as amended (Lopez/Miera) -- would have amended the Public School Code by adding a new section to the Compulsory School Attendance Law and require school policy to provide excused absences for pregnant and parenting teens.
- SB 403, as amended (Lopez) – would have established a task force to study the feasibility of establishing an all-payer claims database for the study of health care expenditures.

Pocket Vetoes (continued)

- SB 495, as amended (Morales) – would have authorized the New Mexico Finance Authority to issue additional cigarette tax revenue bonds for improvements at the Regional Cancer Treatment Center at the Gila Regional Medical Center in Grant County and the Nor-Lea General Hospital in Lea County.