

**2011 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

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Rep. Danice Picraux, Vice Chair
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Work Plan and Focus for 2011

The Legislative Health and Human Services Committee (LHHS) proposes to concentrate on the following major areas this interim: the Human Services Department's (HSD) proposal to redesign the state's Medicaid program; behavioral health care delivery in the state; and the state's continued response to the federal Patient Protection and Affordable Care Act of 2010 (PPACA).

In addition to these major issue areas, the committee proposes to hear testimony on medical malpractice and recent proposed changes to the state's tort and malpractice laws. The committee proposes to hear testimony on dental health care, including new laws and recent proposals to create and expand scopes of practice for allied professionals in dental practice. The committee wishes to examine the state of child protective services and the incidence of child abuse and review the adequacy of funding for emergency medical services in the state. The committee also proposes to discuss teen pregnancy and programs that address teen pregnancy.

The committee proposes to continue its oversight of health and human services agencies by receiving testimony from the Aging and Long-Term Services Department, the Children, Youth and Families Department, the Department of Health, the Human Services Department and the Workforce Solutions Department regarding the direction of these departments under Governor Martinez's administration.

Organizational Meeting

The committee began the interim with an organizational meeting in which it received testimony from the HSD regarding the department's plans and contract for Medicaid redesign. The committee also discussed its work plan proposal.

Medicaid and Other Public Programs

The HSD has signed a contract with Alicia Smith & Associates, a private contractor, to assist the HSD in a redesign of Medicaid. The full details of the HSD's redesign plan have not been finalized, but the HSD has stated that it may reduce the current number of federal waivers and managed care contractors currently operating and pursue greater roles for "personal responsibility" for recipients and a greater role for small businesses. The LHHS will have questions about such things as changes in benefits, eligibility, reimbursement and administration. The committee would also like to know whether the HSD will be ready to implement the PPACA's requirement in 2014 that all residents with incomes at 138% of the federal poverty level (FPL) or lower be made eligible for Medicaid and whether the redesign will include both behavioral and physical health coverage or only physical health coverage.

The committee proposes to inquire about the HSD's plans to cover childless adults with incomes between 134% FPL and 200% FPL and about the continued viability of programs such as premium assistance for children and for pregnant women.

The committee also proposes to hear testimony regarding the status of the HSD's ISD2 system and other information technology upgrades for Medicaid redesign and health reform implementation.

Behavioral Health

The New Mexico Legislative Council appointed a Behavioral Health Subcommittee of the LHHS at its June 29 meeting. It will meet twice during the 2011 interim.

The committee proposes to hear testimony about ongoing concerns of behavioral health care service consumers and their families; the provider community regarding the Interagency Behavioral Health Purchasing Collaborative (Collaborative) and members of the behavioral health advocacy community; and the state's single statewide managed care contractor, OptumHealth of New Mexico (OptumHealth). The committee also proposes to receive testimony about the ongoing efforts to address serious provider payment issues and other performance concerns that are being overseen by Alicia Smith and Associates, the "monitor" appointed pursuant to the Collaborative's contract with OptumHealth.

The committee proposes to hear testimony from Collaborative leadership regarding its issuance of an RFP for a new statewide behavioral health services entity.

In the First Session of the Fiftieth Legislature, House Bill 432 was passed, instructing the Collaborative to consider implementing a pilot project whereby behavioral health providers would collaborate with a risk-bearing entity with which the Collaborative would contract directly. During the pilot project, in areas of the state where it is implemented, the provider-run entity would provide services and bear risk in lieu of OptumHealth. The committee proposes to hear testimony on the Collaborative's intentions and progress regarding the implementation of this pilot project.

The committee also proposes to examine the serious challenges the state faces in the areas of substance abuse and youth suicide.

Health and Human Services in Native American Communities

The committee proposes to hear testimony on several issues relating specifically to Native American health. The committee proposes to hear testimony on health disparities and legislation to address them, including 2011 legislation to address the highly disproportionate rate of youth suicide in tribal communities. The committee proposes to hear testimony on how tribal entities are working to improve health in their communities, including a site visit to Pueblo of Taos. The committee proposes to hear how telehealth and other innovations in service delivery are having an impact on health in tribal communities as tribal, state and federal governments and private actors provide services. The committee also proposes to hear testimony regarding the special status that Native Americans have under the federal Indian Health Care Improvement Act and the PPACA, including the right to establish insurance exchanges outside of any state or federal exchange.

The State Response to the PPACA

Many of the matters that the committee proposes to review relate to the many responsibilities that the PPACA and related state laws impose upon the Insurance Division of the Public Regulation Commission. The committee proposes to receive testimony from the superintendent of insurance and staff regarding rules that the division is supposed to promulgate pursuant to many health insurance mandates in the PPACA that preempt many of the state's insurance laws. The committee further proposes to discuss the division's steps to implement the new state law that redesigns the health insurance rate review process and the division's efforts to implement an office of ombudsman and consumer assistance programs pursuant to grants it received from the federal Department of Health and Human Services.

The committee would like to consider what the state's options are in light of the governor's veto of health insurance exchange legislation passed in the First Session of the Fiftieth Legislature, including whether a state exchange, a federally run exchange or an innovation waiver pursuant to Section 1332 of the PPACA is most feasible.

The committee proposes to consider the impact of health coverage expansions through Medicaid and private insurance in the state.

In light of an expected increase in demand for health services, the committee wishes to continue examining the state's needs for additional health care work force and data collection, including work force data to be collected pursuant to the passage of Senate Bill 14 (Laws 2011, Chapter 152).

The committee proposes to hear testimony on the steps that public health coverage programs are taking to implement PPACA provisions on health care delivery and reimbursement. These include expansion of the medical home model, accountable care

organizations, community care teams, the use of *promotoras*, or community health workers, and new long-term care delivery options.

The committee also proposes to examine new federal regulations and amendments that the federal government issues pursuant to the PPACA.

In addition, the committee wishes to review the status of federal grant applications or projects implemented pursuant to the PPACA.

Prescription Drugs

The committee proposes to focus on prescription drugs, including new legislation to provide for parity in anticancer medication and prescription drug donations under certain conditions. The committee also proposes to hear testimony pursuant to a memorial that requests the creation of a working group to develop standards for electronic prior authorization request transactions for drugs and devices.

Disabilities Concerns Subcommittee

The Disabilities Concerns Subcommittee (DCS) proposes to continue its examination of the status of the Developmental Disabilities (D/D) Waiver Program. At a special meeting on June 24, 2011, the DCS proposes to hear testimony regarding the federal Department of Health and the Human Services' submission of a new D/D waiver to the federal Centers for Medicare and Medicaid Services. Members of the disabilities community have raised concerns about what they claim is a lack of public input into the new waiver application.

The subcommittee's examination will focus on the D/D program's extensive waiting list; the system for service allocations; the quality of services delivered to individuals living with developmental disabilities; and job training and creation, including business start-ups run by individuals who are developmentally disabled.

The subcommittee proposes to review the status of long-term services provided under the Medicaid Personal Care Option Entitlement Program and those provided pursuant to federal Medicaid home- and community-based services waivers, including the Coordinated Long-Term Services (CoLTS) Program in light of a growing aging and disabled population and the HSD's Medicaid redesign efforts. The subcommittee also proposes to look at the potential for increasing the number of individuals served and the quality of those services under federal Community First Choice Program grants pursuant to the PPACA.

The DCS proposes to receive testimony from the Governor's Commission on Disability on the services provided through that office and the status of funding for those programs.

2011 Approved Meeting Schedule

<u>Date</u>	<u>Location</u>
June 14	Santa Fe
July 6-8	Pueblo of Taos/Town of Taos
August 17-18	Silver City

October 5-6 Albuquerque
November 9-11 Santa Fe
December 1-2 Santa Fe

Disabilities Concerns Subcommittee

Members

Rep. Antonio Lujan, Chair
Sen. Nancy Rodriguez, Vice Chair
Sen. Rod Adair

Rep. Nora Espinoza
Sen. Mary Kay Papen
Rep. Danice Picraux

<u>Date</u>	<u>Location</u>
June 24	Santa Fe
October 7	Santa Fe

Behavioral Health Subcommittee

Voting Members

Sen. Mary Kay Papen, Chair
Rep. Ray Begaye, Vice Chair
Rep. Dennis J. Kintigh
Sen. Bernadette M. Sanchez

Advisory Members

Sen. Sue Wilson Beffort
Sen. Dede Feldman
Rep. Antonio Lujan

<u>Date</u>	<u>Location</u>
August 19	Las Cruces
November 30	Santa Fe