



LEGISLATIVE HEALTH AND HUMAN SERVICES HIGHLIGHTS FROM THE 2013 REGULAR SESSION

**Legislative Health and Human Services Committee
Organizational Meeting — 2013 Interim
May 30, 2013**

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**Michael Hely, Staff Attorney
Legislative Council Service**

HEALTH LEGISLATION PASSED IN 2013

- **SCORC/SPAC/SB 221 & SPAC/SB 589 (Chapter 54 — Ortiz y Pino/Shendo)**
 - New Mexico Health Insurance Exchange Act
 - Establishes a health insurance exchange to sell qualified health plans in the Individual and SHOP (small business) markets
 - Requires preliminary plan of operation by May 30, 2013
 - Requires permanent plan of operation by September 30, 2013
 - Board allowed to raise funds
 - Prohibits exchange from negotiation with carriers

HEALTH INSURANCE EXCHANGE (CONT'D)

- Two ex-officio members:
 - Secretary of human services, voting member
 - Superintendent of insurance, nonvoting except to break a tie

- 6 gubernatorial appointees. The governor has appointed:
 - J.R. Damron, M.D., Santa Fe
 - Terriane Everhart, Las Cruces
 - Gabriel Parra, Esq., Albuquerque
 - Ben Slocum, Albuquerque
 - J. Deane Waldman, M.D., Albuquerque

HEALTH INSURANCE EXCHANGE (CONT'D)

- 6 legislative appointees:
 - 3 by senate president pro tempore, with one chosen from a list provided by the senate minority leader
 - 3 by speaker of the house, with one chosen from a list provided by the house minority leader

- The legislature has appointed:
 - Teresa Gomez, Albuquerque
 - Martin Hickey, M.D., Albuquerque
 - Larry Leaming, Portales
 - Patsy Romero, Santa Fe
 - Jason Sandel, Aztec
 - David Shaw, Lovington

DISABILITIES – LEGISLATION THAT PASSED

- **Service Animal Act (SB 320, Chapter 57—Rodriguez)**
 - Changes term from "assistance animal" to "service animal"
 - Restricts appellation to dogs and miniature horses
 - Enacts penalties for misrepresentation of animal as "service animal"

- **HB 22 (Chapter 185 — James E. Smith)**
 - Requires state employee and retiree benefits to cover services related to autism spectrum disorder
 - Mirrors provisions in the NM Insurance Code

DISABILITIES – DID NOT PASS

- **Disabilities Placard Fees (HB 155 — M.P. Garcia)**
 - MVD fee shared between Disability Fund and the Motor Vehicle Suspense Fund

- **Disabilities Concerns Committee (SB 171 — Rodriguez)**
 - Would have established a committee, versus subcommittee
 - 6 voting, 2 advisory members

- **Low-Income Disability Car Registration (HB 231—M.P. Garcia, Sen. L. Lopez)**

- **Developmental Disabilities Waiver Changes (SB 458 — Rodriguez)**
 - Requirement that DOH/HSD seek legislative approval of major changes to DD waiver
 - Requirement that DOH/HSD seek reinstatement of previous waiver (without SIS use for assessment)

GENERAL HEALTH LEGISLATION — PASSED

○ HJC/HCPAC/HB 658 (Chapter 183 — Alcon)

- Establishes a way to register and certify births resulting in still birth

○ HB 393 (Chapter 157 — McMillan)

- Pharmacists may now combine prescription refills for dangerous drugs that are not controlled substances so long as certain information accompanies the prescription
- For drugs that are not controlled substances and the fill is not contraindicated
 - up to a 90-day fill
 - up to a 12-month fill for "as-needed" or "prn" drugs

GENERAL HEALTH LEGISLATION — PASSED (CONT'D)

- **SB 58 (Chapter 93 — Beffort)** — Amends the Immunization Act
 - Requires health care providers to report immunizations to the state's immunization registry
 - Provides public health data
 - Provides data re individual patients' histories

- **SB 140 (Chapter 56 — Moores)** — Establishes in statute the existing New Mexico Poison and Drug Information Center (PDIC) at the UNM Health Sciences Center
 - Requires the PDIC to seek accreditation

GENERAL HEALTH LEGISLATION – PASSED (CONT'D)

- **SB 198 (Chapter 6 — Morales/Rep. Doreen Gallegos) — Requires DOH to certify hospitals as STEMI centers if they are nationally accredited**
 - ST segment-elevation myocardial infarction (STEMI) is the most dangerous type of heart attack, resulting from a sudden blockage of one of the three coronary arteries that supplies blood to the heart. Getting treatment quickly is crucial to survival

- **SJC/SPAC/SB 271 (Chapter 39 — Papen)**
 - Qualified mental health professionals licensed for independent practice who practice at community mental health centers or core service agencies may authorize emergency transport of a mentally ill person who is threatening harm to self or others for mental health evaluation

GENERAL HEALTH LEGISLATION – PASSED (CONT'D)

- **SB 311 (Chapter 72 — P. Griego) — Human Immunodeficiency Virus Test Act amendments**
 - Allows the DOH to disclose human immunodeficiency virus (HIV) test results to:
 - the subject or the subject's representative
 - the person who ordered the test
 - municipal, county, state, federal or tribal public health agencies involved in public health activities that have security and confidentiality standards for HIV test results equal to or more protective than DOH's
 - health care personnel, to protect health of the individual who is the subject of the test or an individual significantly exposed to the subject of the test if based upon documentation to substantiate the need for access to another person's test results

GENERAL HEALTH LEGISLATION – PASSED (CONT'D)

- **SB 310 (Chapter 28 — P. Griego)** — Repeals privacy provisions with accompanying misdemeanor penalties for disclosure of viral hepatitis status to unauthorized persons
 - Now HIPAA and other existing state and federal laws govern disclosures

- **SJC/SB 69 (Chapter 105 — Ortiz y Pino)**
 - Telemedicine compensated under private individual and group health insurance and Group Benefits Act

- **SB 335 (Chapter 114 — Ingle)**
 - Refund policy must be part of any contract between an assisted living facility and a resident of the facility

HEALTH COVERAGE — PASSED

- **SB 586 (Chapter 151 — P. Griego) — Sole community provider payment provisions in the Indigent Hospital and County Health Care Act**
 - Allows additional payments to sole community provider hospitals pursuant to waiver agreement, rule, law or state Medicaid plan amendment
 - Now these facilities can receive supplemental payments from Medicaid's Centennial Care program

HEALTH COVERAGE — PASSED (CONT'D)

○ **SCORC/SB 156 (Chapter 138 — Candelaria)**

- No major drug formulary changes < 120 days after last change
- At least 60 days' notice before making formulary changes

○ **SB 296 (Chapter 170 — Papen)**

- Development of uniform prior authorization form
- Health coverage entity must provide response on prior authorization request within 3 days or request is deemed granted

CHILDREN AND FAMILIES

- **Safe Haven for Infants Act — HB 374 (Chapter 20 — Kane)**

Amends existing law so that an infant may be left at fire stations or law enforcement facilities, in addition to hospitals, during working hours

- **SB 41 (Chapter 50 — Rue)**

Imposes background check requirements on parties involved with certain CYFD emergency placements

- **Home Visiting Accountability Act — SB 365 (Chapter 118 — Sapien)**

Requires the CYFD to establish a statewide program that provides periodic home visiting services to eligible families who opt to receive the services

CHILDREN AND FAMILIES (CONT'D)

- **Children's Trust Fund amendments — SB 297 (Chapter 25 — Ortiz y Pino)**
 - Was originally established to fund "innovative projects" to address child abuse and neglect and to provide for additional applications of the fund
 - Allows the board that operates the fund to devise programs and projects to advocate for the prevention of child abuse and neglect
 - Expands the governing board membership from 9 to 13 nonpartisan members

FUNDING

- \$515,700 to the University of New Mexico for Project ECHO's telemedicine program
- \$352,100 to fund the Office of the Medical Investigator at the University of New Mexico for transportation and utilities

Note: Increases represent additions to base funding and retirement funds, plus 1% employee compensation increase.

FUNDING (CONT'D)

- \$110,000 to the DOH to fund school-based health centers
- \$280,000 to the Aging and Long-Term Services Department to fund adult daycare in central New Mexico
- \$675,000 to the DOH to fund sexual assault services, training and prevention

MEDICAID EXPANSION

- The governor opted in January 2013 to expand eligibility for Medicaid per the Patient Protection and Affordable Care Act
- Added adults with incomes <138% FPL (\$31,809 for a family of four in 2012), regardless of disability, disease status or parental status
- This adds \$285 million in federal funds to the 2014 state budget

MEDICAID EXPANSION (CONT'D)

- Overall general fund increase for Medicaid is \$24.5 million
- Total Medicaid budget will be \$4.37 billion in fiscal year 2014

