

**MINUTES**  
**of the**  
**FIRST MEETING**  
**of the**  
**LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**June 18, 2009**  
**Room 307, State Capitol**  
**Santa Fe**

The first meeting of the Legislative Health and Human Services Committee (LHHS) was called to order at 10:10 a.m. by Representative Danice Picraux, chair. The roll was called and a quorum was established for subcommittee purposes.

**Present**

Rep. Danice Picraux, Chair  
Sen. Rod Adair  
Rep. Nora Espinoza  
Rep. Joni Marie Gutierrez  
Sen. Linda M. Lopez  
Rep. Antonio Lujan  
Sen. Gerald Ortiz y Pino

**Absent**

Sen. Dede Feldman, Vice Chair

**Advisory Members**

Sen. Sue Wilson Beffort  
Rep. Ray Begaye  
Rep. Jose A. Campos  
Rep. Eleanor Chavez  
Rep. Nathan P. Cote  
Rep. Miguel P. Garcia  
Rep. Keith J. Gardner  
Rep. John A. Heaton  
Sen. Gay G. Kernan  
Rep. James Roger Madalena  
Sen. Cisco McSorley  
Rep. Bill B. O'Neill  
Sen. Mary Kay Papen  
Sen. Nancy Rodriguez  
Sen. Sander Rue  
Rep. Gloria C. Vaughn

Sen. Clinton D. Harden, Jr.  
Rep. Dennis J. Kintigh  
Rep. Rodolpho "Rudy" S. Martinez  
Rep. Jeff Steinborn  
Rep. Mimi Stewart  
Sen. David Ulibarri

**Staff**

Michael Hely  
Karen Wells  
Tim Crawford

**Guests**

The guest list is in the meeting file.

**Handouts**

Handouts are in the meeting file.

**Thursday, June 18****Welcome and Introductions**

The chair invited members of the committee and staff to introduce themselves.

**Interim Legislative Meeting Protocols**

Raúl Burciaga identified the number of members necessary to constitute a quorum for voting purposes and to establish a subcommittee. Five voting members are required to vote on an issue; the vote must be representative of both parties to carry. A majority of the voting members from each house can block a vote from passage. A committee can function as a subcommittee without establishing a voting quorum so long as at least five of the voting or advisory members or ad hoc attendees are present. He discussed the proposed meeting schedule and the attempt to create it to minimize conflicts. Committee members were urged to resist changing meeting dates, if possible.

**Legislative Health and Human Services Committee Ground Rules**

The chair invited discussion of protocols to facilitate efficient meetings, including the suggestion that debate be limited in time and should remain focused on the topic. Requests were made that PowerPoint presentations be summarized and not read verbatim. Representatives from departments should be available at each meeting.

Protocols that were adopted include:

- time for questions and answers should be limited to five minutes per topic;
- members are discouraged from leaving the room during presentations;
- no bills will be approved in concept; only bills presented in draft form will be considered for endorsement;
- legislative requests should be reviewed at each meeting;
- simple appropriation requests will be offered in writing and read into the record;
- a "parking lot" should be created for topics that the committee needs to consider at a later time;
- cell phones and computers should be muted; and
- the chair may rule anyone out of order.

Committee members debated issues around using Twitter, and the chair requested that this be engaged in only with discretion. General agreement was expressed that committee members should avoid any activity that is disruptive of the process.

Concern was expressed at the disproportionate ratio of Republicans to Democrats among the voting members. Michael Hely explained that the proportion was set by statute. Senator

Beffort requested that the statute be reviewed to determine if there is any flexibility around this issue. The possibility of amending the statute to have more voting members was raised.

A quorum of voting members was established.

### **2009 Legislative Summary**

Mr. Hely presented a summary of action taken on the bills and memorials that this committee endorsed, emphasizing those measures that passed. Health care professional scope of practice issues and other health-related issues were identified and briefly described. Joint and simple memorials that are anticipated to come before this committee were described. A request was made for more information regarding HM 74 (2009), which concerns out-of-county indigent funding for the university of New Mexico hospital. Committee members requested a copy of the matrix of memorials. Mr. Hely highlighted two simple memorials that passed, each of which requested that an interim committee be established to address disability issues. The Legislative Council did not create such a committee, so the work plan for this committee includes a request to create a subcommittee to address disability concerns.

Committee members had questions regarding the implementation of HB 130 (2009), which requires transparent reporting of data by the Human Services Department. The Human Services Department will be requested to address this issue when it comes before the committee. Clarification was offered on the statement that the federal Screening, Brief Intervention and Referral to Treatment (SBIRT) Program was funded in HB2; that statement was said to be incorrect. Members expressed a strong desire that the administration find funds to continue this valuable program. A comment was made that the memorial calling for the continuation of the obstetrical task force consider research regarding the potential danger of sonograms on fetuses. A recommendation was made that bills that passed but were vetoed receive continued focus by the committee. A request was made to identify the number of businesses that are protected by the Employee Retirement Income Security Act (ERISA), and therefore are exempt from state insurance mandates, be presented at a future meeting.

### **American Recovery and Reinvestment Act of 2009 (ARRA) Overview**

Mr. Hely and Karen Wells gave a presentation on ARRA, often referred to as the federal stimulus package, identifying the broad parameters of the legislation and specific elements that are likely to affect the work of this committee. The total amount of funding available through ARRA is \$787 billion. Mr. Hely described the four funding mechanisms through which New Mexico can receive funds as formula grants, competitive grants, loans and tax credits. He highlighted the Health Insurance Portability and Accountability Act (HIPAA) changes and privacy provisions and the human services elements of the act, including housing, employment and unemployment assistance, nutrition and temporary assistance for needy families (TANF). Ms. Wells presented the health care provisions, including Medicaid, electronic health records, health information technology, prevention and wellness, research, community health infrastructure and consolidated the Omnibus Budget Reconciliation Act (COBRA). Medicaid is expected to receive in excess of \$700 million through an enhanced federal medical assistance percentage (FMAP). In order to receive the enhanced match, the Human Services Department must meet several requirements, including the requirement that no money attributable to ARRA be placed in a rainy day or reserve fund. Senator Beffort requested a definition of "rainy day"

fund, and Mr. Hely read the pertinent section from the federal act. A request was made to follow up with the Department of Health to see if they will be applying for any federal ARRA funds to address plague, West Nile virus and other infectious diseases seen in New Mexico. Committee members asked for clarification regarding the process for applying for competitive grants. The role and responsibility of the New Mexico Office of Recovery and Reinvestment was covered and resource information was provided. Mr. Hely explained that more in-depth reports on ARRA funding will be provided at each meeting, relative to the topics being covered at that meeting.

### **Federal Health Reform Overview**

Ms. Wells gave a brief overview of the efforts to reform the health care system at the federal level. She began with a historical perspective of reform efforts in the United States since 1912. Ms. Wells covered President Obama's principles of reform and the activity to date in the Congress. General areas of agreement and disagreement were identified. More details will be provided at subsequent meetings, keeping committee members apprised of the progress of legislation. It was noted that Senator Feldman was absent from the meeting because she was invited, along with 22 other legislators from other states, to meet in the White House and contribute ideas for health reform from a state perspective. Senator Feldman will be asked to report to the committee on that meeting at the next meeting of this committee.

### **Review and Discussion of Work Plan, Meeting Dates and Locations for 2009**

Mr. Hely briefly reviewed the proposed work plan, highlighting themes to be addressed by the committee, including oversight of departments, ARRA, federal health reform, medical homes, health commons, integration and transparency. Two memorials were identified that request the committee to address specific topics. One is a request that the performance of the Human Services Department be investigated relative to their activity on ARRA, transparency and reporting requirements. The second memorial requests a study of existing laws pertaining to cancer clinical trials. Two subcommittees are proposed: one that would permit interested members to attend a Legislative Finance Committee (LFC) hearing regarding health reform to be held in Angel Fire in August; and the other would address disability concerns. Other individual items were suggested, and proposed meeting dates and location were identified.

Committee members had questions and made comments regarding the following:

- support for a disability subcommittee, with one focus being cochlear implants;
- the need to address the shortage of dental providers;
- clarification as to whether the committee can establish subcommittees;
- support for a subcommittee to work with the LFC on issues of health reform;
- a request that the Department of Health brief the committee on its efforts regarding bubonic plague, West Nile virus and tuberculosis;
- a request that Coordination of Long-Term Services (CoLTS), particularly payment to providers be covered at the July meeting;
- a request that issues of transition to OptumHealth, particularly reimbursement to providers be covered at the July meeting; and
- a request to review the University of New Mexico School of Medicine and its effectiveness in retaining medical students to practice in New Mexico upon graduation.

Mr. Hely recited the requirements for creating a subcommittee. The opportunity for a joint meeting of this committee with the LFC in lieu of a subcommittee was discussed. Senator

Ortiz y Pino made a motion, and Senator Lopez seconded the motion to create a subcommittee on disabilities. Committee members questioned whether a subcommittee is needed, or if a day devoted to the topic would suffice. The details of SM 41 (2009), the memorial calling for a disability concerns committee, were reviewed. Clarification was sought regarding whether this committee is obligated to create a subcommittee on this topic, given that the Legislative Council did not establish the committee, as requested in the memorials. Representative Antonio Lujan, Representative Joni Gutierrez and Representative Nora Espinosa objected; the motion failed. Senator Adair moved and Representative Espinosa seconded a motion to devote a full day to disability issues. The motion passed.

Representative Gutierrez made a motion, seconded by Representative Cote, that a subcommittee be formed to meet with the LFC on August 13 to participate in a discussion regarding health care reform, with the chair appointing the subcommittee. The motion passed.

Senator Lopez made a motion, seconded by Representative Lujan, that the work plan be adopted as amended. The motion passed.

### **Public Comment**

Pug Birge, University of New Mexico Health Sciences Center, and Mark Saavedra, lobbyist for the University of New Mexico, spoke on behalf of Dr. Paul Roth, president of the Health Sciences Center. Dr. Roth would like the committee to hear testimony regarding the B.A./M.D. program; the medical school; the nursing program, presented by the new dean of the college of nursing; health care provider pipeline issues; and other related programs. Dr. Roth would like an opportunity to present the University of New Mexico Health Sciences Center's legislative request to the Legislative Health and Human Services Committee.

Terry Reilly, Health Security New Mexico, expressed disappointment regarding the exclusion of a single payer model of health reform from the federal reform debate. New Mexico has a great opportunity to institute such a model at the state level.

Debbie Maestas Trainer, NM Health Underwriters, testified that they have specific ideas that they would like to present.

The meeting adjourned at 2:20 p.m.