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SENATE BILL 332

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Clinton D. Harden

AN ACT

RELATING TO HEALTH CARE; CREATING THE OFFICE OF HEALTH POLICY UNDER THE DEPARTMENT OF HEALTH; PROVIDING FOR THE OFFICE OF HEALTH POLICY TO ASSUME THE DUTIES OF THE NEW MEXICO HEALTH POLICY COMMISSION; CREATING THE HEALTH POLICY ADVISORY BOARD; PROVIDING FOR TRANSFERS OF FUNCTIONS, PERSONNEL, PROPERTY, CONTRACTS AND STATUTORY REFERENCES; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2007; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-7-4 NMSA 1978 (being Laws 1991, Chapter 25, Section 16, as amended) is amended to read:

"9-7-4. DEPARTMENT ESTABLISHED.--

A. There is created in the executive branch the "department of health". The department shall be a cabinet

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1 department and shall include, but not be limited to, the  
2 programs and functions of the public health division, ~~[and]~~ the  
3 scientific laboratory and the office of health policy.

4 B. All references in the law to the public health  
5 division of the health and environment department, the state  
6 department of public health, the public health department, the  
7 health services division or the state board of health shall be  
8 construed as referring to the department.

9 C. The administrative services division of the  
10 department shall provide clerical, ~~[recordkeeping]~~ record-  
11 keeping and administrative support to the department,  
12 including, but not limited to, the areas of personnel, budget,  
13 procurement and contracting.

14 D. The information technology division shall have  
15 all those powers and duties conferred upon it by the secretary  
16 with the consent of the governor.

17 E. In addition to other duties assigned by the  
18 secretary, the office of health policy shall:

19 (1) develop a plan for, monitor and evaluate  
20 progress of the implementation of the state's health policy and  
21 the comprehensive strategic plan for health and report annually  
22 to the legislative finance committee and the interim  
23 legislative health and human services committee;

24 (2) obtain and evaluate information from a  
25 broad spectrum of New Mexico's society to develop and monitor

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1 the implementation of the state's health policy and report  
2 annually to the legislative finance committee and the interim  
3 legislative health and human services committee;

4 (3) obtain and evaluate information relating  
5 to factors that affect the availability and accessibility of  
6 health services and health care personnel in the public and  
7 private sectors;

8 (4) perform needs assessments on health  
9 personnel, health education and recruitment and retention  
10 efforts and make recommendations regarding the training,  
11 recruitment, placement and retention of health professionals in  
12 underserved areas of the state;

13 (5) prepare and publish an annual report  
14 describing the progress made in addressing the state's health  
15 policy and planning issues. The report shall include a work  
16 plan of goals and objectives for addressing the state's health  
17 policy and planning issues in the upcoming year;

18 (6) distribute the annual report to the  
19 governor, appropriate state agencies and interim legislative  
20 committees and interested parties;

21 (7) establish a process to prioritize  
22 recommendations on program development, resource allocation and  
23 proposed legislation;

24 (8) provide information and analysis on health  
25 issues;

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1                   (9) serve as a catalyst and synthesizer of  
2 health policy in the public and private sectors;

3                   (10) respond to requests by the executive and  
4 legislative branches of government;

5                   (11) ensure that any behavioral health  
6 projects, including those relating to mental health and  
7 substance abuse, are conducted in compliance with the  
8 requirements of Section 9-7-6.4 NMSA 1978; and

9                   (12) operate and maintain the health  
10 information system created pursuant to the Health Information  
11 System Act."

12               Section 2. Section 9-7-4.1 NMSA 1978 (being Laws 2004,  
13 Chapter 51, Section 1, as amended by Laws 2007, Chapter 46,  
14 Section 6 and by Laws 2007, Chapter 279, Section 1) is amended  
15 to read:

16               "9-7-4.1. COMPREHENSIVE STRATEGIC PLAN FOR HEALTH.--

17               A. The office of health policy and other divisions  
18 of the department, in conjunction with [~~the New Mexico health~~  
19 ~~policy commission and~~] other state agencies, pursuant to  
20 Section 9-7-11.1 NMSA 1978, shall develop a comprehensive  
21 strategic plan for health that emphasizes prevention, personal  
22 responsibility, access and quality.

23               B. The department shall publish the comprehensive  
24 strategic plan for health by September 1, 2008 and every four  
25 years thereafter. By September 1 of each even-numbered year,

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1 the department shall review and update or amend the plan in  
2 response to changes and developments.

3 C. The department shall include the legislature,  
4 health care providers, consumer and patient advocates, health  
5 care financing organizations, managed care organizations, major  
6 insurers in the state, the human services department, the  
7 children, youth and families department, the aging and long-  
8 term services department, pharmaceutical manufacturers and  
9 other stakeholders in its development of the comprehensive  
10 strategic plan for health so as to give geographic  
11 representation to all areas of the state. The department shall  
12 ensure that public participation and public input are  
13 integrated into the planning process. The department shall  
14 convene regional meetings on the proposed plan to allow public  
15 review and comment, including oral and written testimony,  
16 pursuant to the Open Meetings Act.

17 D. The department shall consult with the  
18 governments of Indian nations, tribes and pueblos located  
19 wholly or partially within New Mexico to include Indian  
20 nations, tribes and pueblos in the development of the  
21 comprehensive strategic plan for health.

22 E. The department shall report its findings,  
23 recommendations and goals in its comprehensive strategic plan  
24 for health. The plan shall address the following areas and  
25 others that the governor and the legislature may from time to

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1 time request:

2 (1) a summary of the state's health care  
3 system that includes the financial, administrative and delivery  
4 structure in both the public and private sector;

5 (2) the diseases, injuries and risk factors  
6 for physical, behavioral and oral health that are the greatest  
7 cause of illness, injury or death in the state, with special  
8 attention to and recognition of the disparities that currently  
9 exist for different population groups;

10 (3) key indicators of and barriers to health  
11 care coverage and access, with specific emphasis on reducing  
12 the number of uninsured New Mexicans;

13 (4) the role of the department, other state  
14 agencies and the private sector in identifying strategies and  
15 interventions to provide health care coverage, access and  
16 quality;

17 (5) a continuum of care model that emphasizes  
18 prevention, early intervention and health promotion and that  
19 includes public health services, emergency medical services,  
20 primary care, acute care, specialized care, tertiary care and  
21 long-term care;

22 (6) health education, wellness, nutrition and  
23 exercise initiatives that emphasize personal health  
24 responsibility;

25 (7) workforce initiatives to identify, recruit

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1 and retain health care professionals;

2 (8) health care facility infrastructure,  
3 capacity, capitalization and financial viability in both the  
4 public and private sector;

5 (9) licensing, credentialing, oversight and  
6 tracking initiatives designed to improve health care quality  
7 and outcome measurements;

8 (10) programs, services and activities  
9 designed to address the needs of persons who have a disability,  
10 are elderly or have special needs;

11 (11) anticipated demands and challenges on the  
12 health care system as the need for long-term care services  
13 increases;

14 (12) data and information addressing key  
15 health status and system indicators, statistics, benchmarks,  
16 targets and goals for the state and comparing it nationally,  
17 regionally and to other states of similar size and  
18 demographics; provided that individually identifiable health  
19 information and other proprietary information is protected as  
20 required by state or federal law; and

21 (13) planning and response to public health  
22 emergencies, including bioterrorism, pandemic flu, disease  
23 outbreaks and other situations that will require a  
24 coordinated response by the health care system."

25 Section 3. Section 9-7-11.1 NMSA 1978 (being Laws 1991,

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1 Chapter 139, Section 1) is amended to read:

2 "9-7-11.1. FINDINGS AND PURPOSE.--

3 A. The legislature finds that good health is  
4 among our most cherished desires. To achieve optimal health  
5 requires both individual and collective responsibility and  
6 action and, therefore, state government must assume a  
7 leadership role by establishing and implementing policies in  
8 all aspects of health. In order to fulfill its proper  
9 leadership obligation within public resource constraints, the  
10 state must perform a variety of carefully tailored roles in  
11 concert with individuals, the private sector and local,  
12 federal and tribal governments.

13 B. The legislature also finds that health care  
14 requires a growing portion of the state's public and private  
15 resources and [~~impacts~~] affects a broad segment of the  
16 state's economy; a need, therefore, exists to establish an  
17 entity for research, guidance and recommendations on health  
18 policy and planning issues.

19 C. [~~The purpose of the New Mexico health policy~~  
20 ~~commission~~] One of the functions of the office of health  
21 policy is to provide a forum for the discussion of complex  
22 and controversial health policy and planning issues and for  
23 the creative exploration of ideas, issues and problems  
24 surrounding health policy and planning, including the  
25 interrelations with education, the environment and economic

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1 well-being.

2 D. It is the policy of the state [~~of New Mexico~~]  
3 to promote optimal health; to prevent disease, disability and  
4 premature death; to improve the quality of life; and to  
5 assure that basic health services are available, accessible,  
6 acceptable and culturally appropriate, regardless of  
7 financial status. This policy shall be realized through the  
8 following organized efforts:

9 (1) education, motivation and support of the  
10 individual in healthy behavior;

11 (2) protection and improvement of the  
12 physical and social environments;

13 (3) promotion of health services for early  
14 diagnosis and prevention of disease and disability; and

15 (4) provisions of basic treatment services  
16 needed by all New Mexicans."

17 Section 4. A new section of the Department of Health  
18 Act is enacted to read:

19 "[NEW MATERIAL] HEALTH POLICY ADVISORY BOARD.--

20 A. The "health policy advisory board" is created  
21 and administratively attached to the department. The board  
22 shall consist of eight public members appointed by the  
23 governor. Members shall serve at the pleasure of the  
24 governor. Members may receive per diem and mileage in  
25 accordance with the Per Diem and Mileage Act, subject to

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1 available funding or appropriations, but shall receive no  
2 other compensation, perquisite or allowance.

3 B. The board shall participate with the department  
4 and the office of health policy on the development of the  
5 comprehensive strategic plan for health. The board shall  
6 independently review health data and make recommendations  
7 related to health policy to the department."

8 Section 5. TEMPORARY PROVISIONS--TRANSFER OF FUNCTIONS,  
9 PERSONNEL, PROPERTY, CONTRACTS AND STATUTORY REFERENCES.--

10 A. On July 1, 2009, all functions, personnel,  
11 money, appropriations, records, files, furniture, equipment  
12 and other property of the New Mexico health policy commission  
13 shall be transferred to the department of health.

14 B. On July 1, 2009, all contractual obligations of  
15 the New Mexico health policy commission shall be obligations  
16 of the department of health.

17 C. On July 1, 2009, all references in the law to  
18 the New Mexico health policy commission shall be deemed to be  
19 references to the office of health policy of the department  
20 of health.

21 Section 6. REPEAL.--Sections 9-7-11.2 and 9-7-11.3 NMSA  
22 1978 (being Laws 1991, Chapter 139, Section 2 and Laws 2003,  
23 Chapter 235, Section 2, as amended) are repealed.

24 Section 7. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is July 1, 2009.

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