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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/24/13

SPONSOR Larrañaga LAST UPDATED \_\_\_\_\_ HB 130

SHORT TITLE Move Brain Injury Service Fund SB \_\_\_\_\_

ANALYST Geisler

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Human Services Department (HSD)

Aging and Long-Term Services Program (ALTSO)

### SUMMARY

#### Synopsis of Bill

House Bill 130 would place the administration of the Brain Injury Services Fund with the Human Services Department (HSD). This bill formalizes the transfer of the program which occurred on July 1, 2011 pursuant to language in the 2011 General Appropriation Act.

Section 2 of HB 130 further specifies a temporary provision to ensure the complete transfer of all property, contracts, and references in law from the Aging and Long-Term Services Department (ALTSD), which administered the fund from 2004-2011, to HSD. Section 3 of the bill repeals Section 24-1-24 NMSA 1978.

### FISCAL IMPLICATIONS

None noted. The program was essentially transferred to HSD from Aging and Long-Term Services during FY12.

### SIGNIFICANT ISSUES

HSD provided background:

In 1997, the Brain Injury Services Fund was created into law as cited in Section 24-1-24 NMSA 1978. The statute references the NM Department of Health (DOH), which administered the fund from 1997-2004.

Effective July 1, 2004, the legislature transferred the functions and revenues related to the Brain Injury Services Fund from DOH to ALTSD (NMSA1978, Sections 9-23-1 to 12). In 2007, ALTSD promulgated the regulations for the program (8.326.10 NMAC). It continued to administer the fund through August 2011.

Effective July 1, 2011, the legislature transferred the functions and revenues related to the Brain Injury Services Fund and program to the HSD (L. 2011, Chapter 179, Section 4, General Appropriations Act of 2011; HB2). HSD began administration of the program without full fiscal authority, the latter having been maintained by ALTSD. HB2 of the 2012 Legislative Session transferred the unexpended funds residing with ALTSD to HSD. HB 130 fully transfers the fund, all of its property, contracts, and references in law to HSD and repeals the existing statute (24-1-24 NMSA 1978).

Contracts for the Brain Injury Services Fund currently cover Service Coordination, Life Skills Coaching, Crisis Interim Services, and Brain Injury Support Services, including the operation of the statewide Brain Injury Hotline.

#### **ADMINISTRATIVE IMPLICATIONS**

HB 130 would require HSD to revise Title 8, Chapter 326, Part 10 NMAC in order to remove all references to ALTSD. HB 130 would replace an existing statute of NMSA 1978, Section 24-1-24, “Brain Injury Services Fund Created” with a new statute in order to fully transfer all authority for the fund, which was originally assigned in 1997 to DOH, to HSD. HSD currently maintains programmatic and fiscal authority over the fund, the latter only under temporary authority that this bill would rectify.

#### **TECHNICAL ISSUES**

Absent passage of HB 130, language will have to be included in the General Appropriation Act specifying the transfer of brain injury service fees to the Human Services Department.

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The Human Services Department would not have the necessary fiscal authority in FY14 to operate the program.

GG/bm