

LFC Requester:**Scott Sanchez**

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 2/1/24

Bill No: SB272

Sponsor: Sen. Hamblen
Short SOGI Data Collection
Title: _____

Agency Name and Code HSD-630
Number: _____
Person Writing Ryan O'Connor
Phone: 505-629-7336 **Email** Ryan.o'connor@hsd.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0.0	\$0.0	NR	NR

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0.0	\$0.0	\$0.0	NR	NR

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
IT changes	\$0.0	\$369.69	\$0.0	\$369.69	Nonrecurring	SGF
IT changes	\$0.0	\$739.31	\$0.0	\$739.31	Nonrecurring	FFP

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 272 (SB272) would require twelve executive departments of state government (including the Health Care Authority (HCA)) and public bodies to collect voluntary self-identification information pertaining to sexual orientation and gender identity in the course of collecting demographic data. SB272 would require that the collection of demographic information for sexual orientation and gender identity must be done in accordance with guidelines defined by federal programs and the New Mexico Department of Health (DOH). Data collected and the method used to collect the data must be reported to the legislature and be made available to the public. The demographic data provided about sexual orientation and gender identity would be analyzed for coordination of care, quality improvement of services, conducting approved research, and fulfilling reporting requirements.

The effective date of SB370 would be October 31, 2024.

FISCAL IMPLICATIONS

Please see Administrative Implications section below.

SIGNIFICANT ISSUES

Lesbian, gay, bisexual, and transgender (LGBT) people are more likely to experience certain social and health-related challenges and disparities. For example, LGBT adolescents are especially at risk for being bullied, which can contribute to them thinking about and dying from suicide or using illegal drugs. School- and family-based interventions can help reduce bullying and violence against LGBT adolescents, address drug use and mental health problems, and improve health.

Collecting population-level data is key to meeting the needs of LGBT people, but not all state and national surveys include demographic questions on sexual orientation and gender identity. Adding comprehensive demographic questions to surveys can help inform effective health promotion strategies for LGBT people.

SB 272 would impact the Developmental Disabilities Supports Division (DDSD) 1915c waiver recipients. DDSD does not have a Client Data Management System (CDMS) that could capture this information and track updates as necessary. DDSD would need to work within the HCA CDMS. This CDMS would also need reporting capabilities to report as required.

PERFORMANCE IMPLICATIONS

SB272 does not specify the frequency the information is to be reported to the legislature and made available to the public. HSD currently collects this data through a voluntary survey offered to individuals logging in to the Yes New Mexico benefits portal. The data can be pulled at any time and has been reported to DOH.

ADMINISTRATIVE IMPLICATIONS

The Automated System Program and Eligibility System (ASPEN) and the Child Support Enforcement System (CSES) would require updates to track the appropriate information. Work could not start until after July 1, 2024 and would take approximately 9 months to complete. The cost is estimated to be \$1,109,000.00 and is a combination of Federal and State funds. Detailed discovery for the required work could impact the estimated cost. A breakdown of the work is included in the table below:

Item	Estimated Cost
<ul style="list-style-type: none"> • Collecting voluntary self-identification information related to sexual orientation and gender identity. • Establish an inverse relationship based on the newly added gender for the relationship screen. • Pregnancy details screen change to accept pregnancy details for an individual who identifies as newly added gender (if required). • Changes to YNM-ASPEN Application for Benefits, Real Time Eligibility, Presumptive Eligibility process and YNM-ASPEN Database sync process. • Include newly added gender in the household section of the notice ISD 120, Interim Report and the notice ISD 122, Recertification Application. • Construction of report for the legislature and public. <p>Assumptions</p> <ul style="list-style-type: none"> • ASPEN shall include the newly added gender to the demographics files based on the current process. Estimate does not include support for information trading partners. • The estimate does not include efforts to share the sexual orientation data with the information trading partners. • No other changes are included in this estimate. 	<p>\$764,000.00</p>
<p>Modification, testing, and implementation of changes to the Child Support Enforcement System includes:</p> <ul style="list-style-type: none"> • Add additional data elements to the existing NM CSES MEMBER table or create a new table to capture additional data elements and tie to the existing NM CSES MEMBER table. • Add new fields to the appropriate NM CSES screen(s): <ul style="list-style-type: none"> → CSES - Case Member Addition/Update (CMAU) → CSES - Member Demographics (DEMO) → CSES - Child Support Application screen(s) • Changes to CSSD Application for services screens. • Construction of report for the legislature and public. <p>Additional items could potentially be identified during more detailed requirements sessions w/ the business (CSSD)</p> <p>Assumptions</p> <ul style="list-style-type: none"> • The capture of new demographic data elements is planned to begin with future transactions following the implementation. The costs for 	<p>\$345,000.00</p>

<p>retroactively applying these data capture processes to existing members are not covered in this estimate.</p> <ul style="list-style-type: none"> • NM CSES shall include the newly added gender to the demographics files based on the current process(es) where it is determined be necessary. Estimate does not include support for information trading partners. • The estimate does not include efforts to share the sexual orientation data with the information trading partners. • This estimate does not take into consideration the changes that could be required for PC Form and Batch Forms. • No other changes are included in this estimate. • YNM / Unified Portal screen changes for collecting voluntary self-identification information related to sexual orientation and gender identity and associated testing will be provided by YNM / Unified Portal teams. 	
Estimated Total	\$1,109,000.00

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB272 relates to existing Executive Order 2021-048.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

HSD deployed a voluntary SOGI collection survey through our YesNM portal in October of 2022, with the standardized SOGI questions to be implemented into our Unified Portal in March 2024. Cumulative results of the voluntary SOGI survey data are shown in the table below:

November 2022-January 2024 HSD Customer Voluntary SOGI Responses	
Gender	
Other	169
Nonbinary	1,243
Transgender Man	504
Transgender Woman	436
Sexual Orientation	
Gay/Lesbian	5,239
Other	1,563
Bisexual	7,156

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

None