

**NEW MEXICO MEDICAL SOCIETY  
LEGISLATIVE UPDATE #1  
1-22-08**

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The 30-day session of the New Mexico Legislature is into its first full week. But why does it feel like we've been at it for much, much longer??? Probably because the focus is health care reform, and it's a pretty big topic for such a short period of time.

Thus far, 4 reform bills have been introduced, and another 4 by Sue Wilson Beffort (R 19), referred to as the Beffort package. They are:

- HB 62 – the Governor's, Health Solutions Act
- HB 147/SB 225 – Picraux and Feldman, Health Care Authority Act
- HB 205/SB 228 – Foley and Komadina, Health Insurance Exchange Act
- HB214/ SB 3 – Gonzales and Cisneros, Health Security Act (single payor)
- SB 37, 38, 39, 40 – Beffort, Health Insurance Tax Credit and Student Insurance

NMMS' Executive Committee is meeting Thursday, Jan. 24 to consider all of the reform bills.

NMMS will introduce legislation adding receipts from patient co-pays and deductibles to the GRT deduction, and legislation that establishes automatic annual physician fee increases under Medicaid.

To read a bill in its entirety, go to <http://legis.state.nm.us/lcs/> and click on Bill Finder. It will be obvious what to do from there. You will be able to determine when hearings on the bill will be held, follow its progress, and read any changes made. If you do not have internet access, you may call NMMS (1-800-748-1596 or 828-0237) for information. The next update will be published following the deadline for bill introduction at the end of the month.

Below is a list of bills that NMMS is tracking.

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## **DEPARTMENT OF HEALTH**

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**Bill: HB32**

**Sponsors:** Picraux (D25)

**Title:** 24-HOUR NURSE HEALTH ADVICE LINE

**Summary:** Provides \$500,000 (GF) to the Department of Health for a 24-hour nurse health access telephone advice line for all New Mexicans regardless of insurance status.

**Status:** 01/16/2008 – House Business and Industry Committee

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**Bill: SB129**

**Sponsors:** Feldman (D13)

**Title:** HEALTHY NEW MEXICO TASK FORCE

**Summary:** Requires the Secretary of Health to convene a Healthy New Mexico Task Force to devise a comprehensive five-year strategic plan for preventing disease and managing chronic conditions.

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**Bill: SB244**

**Sponsors:** Komadina (R9)

**Title:** HUMAN PAPILLOMAVIRUS VACCINE EDUCATION

**Summary:** Requires information about cervical cancer and human papillomavirus vaccine to be given to the parent or guardian of a female student between the ages of 9 and 14 prior to her admission to a private or public school. After the information has been given, a female student may not be admitted to sixth grade unless she presents written evidence that she has been vaccinated or that her parents or guardian chose for her not to receive the vaccine.

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## ELECTRONIC/TELEHEALTH

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**Bill:** HB37

**Sponsors:** Wirth (D47)

**Title:** ELECTRONIC MEDICAL RECORDS ACT

**Summary:** Requires the New Mexico Telehealth and Health Information Technology Commission to develop plans for implementing electronic insurance and medical record systems, provides for legal effectiveness of electronic medical records and establishes rules for disclosure of electronic medical records.

**Status:** 01/16/2008 – House Health and Government Affairs Committee

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**Bill:** SB85

**Sponsors:** Leavell (R41)

**Title:** UNM TELEPSYCHIATRY

**Summary:** Appropriates \$157,000 (GF) to the University of New Mexico to fund telepsychiatry services in Carlsbad. No more than 10 percent may be used for administrative costs.

**Status:** 01/17/2008 – Senate Public Affairs Committee

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## HEALTH CARE REFORM

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**Bill:** HB62

**Sponsors:** Lujan, B. (D46)

**Title:** HEALTH SOLUTIONS NEW MEXICO ACT (The Governor's Bill)

**Summary:** The Health Solutions New Mexico Act's stated purpose is to achieve universal health coverage, contain health care costs and improve health care access and quality for New Mexicans. The act directs that health care and health coverage initiatives recognize the state's diversity, be transparent and accountable, be financially viable, consider health care quality and outcomes, improve access to health care, consider the needs of low-income and high-risk individuals and families, and provide a choice of providers and treatment options. It creates a health care authority empowered to make decisions and/or study options for health care.

**Status:** 01/16/2008 – House Health and Government Affairs Committee

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**Bill:** HB147/SB225

**Sponsors:** Picraux (D25)/Feldman (D13)

**Title:** HEALTH CARE AUTHORITY ACT

**Summary:** The Health Care Authority Act creates a Health Care Authority as a new state agency and appropriates \$600,000 (GF) for expenditure in FY 2009 and FY 2010 to establish and implement the new agency. Requires the newly created authority to develop a comprehensive plan for accessible and affordable health care services for all New Mexicans by January 1, 2009. Provides generally inclusive definitions within the act for systems which finance health care services, but excludes workers' compensation insurance and automobile medical payment insurance. Repeals a provision that had established the New Mexico Health Policy Commission and transfers all existing commission personnel, property and contracts to the Health Care Authority on September 1, 2008. The authority is terminated pursuant to the Sunset Act effective July 1, 2014, unless the Legislature acts to extend its life prior to that date.

**Status:** 01/16/2008 – House Health and Government Affairs Committee

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**Bill:** HB205/SB228

**Sponsors:** Foley (R57)/Komadina (R9)

**Title:** HEALTH INSURANCE EXCHANGE ACT

**Summary:** Creates the "Health Insurance Exchange" as a nonprofit public corporation, separate and apart from the state, to provide residents with greater access to and choice of health insurance products. Provides for the exchange to be governed by a 13-member board of directors with six directors appointed by the governor to represent participating employers and their employees, six elected by groups representing participating carriers, physicians, hospitals, health

underwriters and Indian nations, and the Superintendent of Insurance as a nonvoting member. Authorizes the board to appoint a full-time director to manage business and supervise staff.

**Status:** 01/17/2008 – House Rules Committee

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**Bill:** HB214/SB3

**Sponsors:** Gonzales (D42)/Cisneros (D6)

**Title:** HEALTH SECURITY ACT (Single Payor Bill)

**Summary:** A 56-page bill intended to ensure that health care coverage is available to all New Mexicans through a combination of public and private financing. Participation is not optional for holders of private insurance. The act creates a Health Care Commission which is charged with developing and adopting a five-year Health Security Plan designed to provide comprehensive, necessary and appropriate health care benefits, including preventive health care and primary, secondary and tertiary health care for acute and chronic conditions. An individual is eligible for coverage if physically present in the state for one year prior to the date of application for enrollment. A beneficiary may purchase supplemental benefits.

**Status:** 01/17/2008 – House Health and Government Affairs Committee

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**Bill:** SB37

**Sponsors:** Beffort (R19)

**Title:** REQUIRING RESIDENT STUDENT HEALTH INSURANCE

**Summary:** Requires all resident students entering a public post-secondary institution to provide proof of health insurance or purchase insurance provided by the institution. Does not apply to a student who is provided health insurance under a scholarship or other program. Effective July 1, 2008.

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**Bill:** SB38

**Sponsors:** Beffort (R19)

**Title:** REQUIRING NONRESIDENT STUDENT HEALTH INSURANCE

**Summary:** Provides that a public post-secondary educational institution shall not admit a nonresident student who does not have proof of health insurance as good as, or better than, the insurance provided by the institution.

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**Bill:** SB39

**Sponsors:** Beffort (R19)

**Title:** HEALTH INSURANCE INCOME TAX CREDIT

**Summary:** Proposes a refundable tax credit equaling 50 percent of a low-income resident's health coverage premium or \$2,500, whichever is greater. Residents who have employer-sponsored health insurance and live in a household below the federal poverty level qualify, as do residents without employer-sponsored health coverage but who live in households below 200 percent of the federal poverty level.

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**Bill:** SB40

**Sponsors:** Beffort (R19)

**Title:** COLLEGE HEALTH INSURANCE

**Summary:** Provides that all scholarships awarded under the College Affordability Act must be sufficient to cover the recipient under the health insurance policy offered to students at the institution.

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## INSURANCE

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**Bill:** SB226

**Sponsors:** Feldman (D13)

**Title:** HEALTH INSURANCE POLICY PROVISIONS

**Summary:** Eliminates initial two-year period when major medical policies may be voided or claims denied for misstatements in application except for willful or fraudulent statements made by the applicant.

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## MALPRACTICE

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**Bill:** HB177

**Sponsors:** Trujillo (D45)

**Title:** MEDICAL MALPRACTICE SETTLEMENTS, RECORDS AND LICENSEE RESTRICTIONS

**Summary:** MEDICAL MALPRACTICE SETTLEMENT DISCLOSURES. Provides for disclosure to the state Medical Board by hospitals, health care entities and professional review bodies of all medical malpractice settlement payments that involve a licensee. Applies to payments made under a policy of insurance, self-insurance or otherwise in settlement of a medical malpractice action or claim.

**Status:** 01/17/2008 – House Health and Government Affairs Committee

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**Bill:** SM1

**Sponsors:** Komadina (R9)

**Title:** TASK FORCE ON OBSTETRIC LIABILITY INSURANCE

**Summary:** Requests the New Mexico Health Policy Commission to continue its task force on health care practitioner liability insurance and the crisis in obstetric health care, and to submit recommendations by October 2008.

**Status:** 01/16/2008 – Senate Rules Committee

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## MEDICAID

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**Bill:** HM4/SM10

**Sponsors:** Picraux (D25)/Ortiz y Pino (D12)

**Title:** MEDICAID RENEWAL PILOT PROJECT

**Summary:** Requests the Human Services Department to analyze the efficacy of the Medicaid Renew Pilot Project, which is intended to simplify the Medicaid renewal process for recipients, in order to determine whether it should be made permanent.

**Status:** 01/17/2008 – House Health and Government Affairs Committee

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## MISCELLANEOUS

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**Bill:** HB9/HB28

**Sponsors:** Stewart (D21)

**Title:** DOMESTIC PARTNERSHIPS

**Summary:** Creates domestic partnership, meaning a legal relationship between two adults by submitting a statutory affidavit of domestic partnership to a county clerk, who then issues a certificate of domestic partnership. A domestic partner has the same obligations, responsibilities, protections and benefits as are afforded to spouses, and it is unlawful to discriminate against a domestic partner as not being a spouse, widow or widower.

**Status:** 01/15/2008 – House Consumer and Public Affairs Committee

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**Bill:** HB89

**Sponsors:** Cote (D53)

**Title:** PHYSICIAN ASSISTANTS

**Summary:** Updates various laws to include physician assistants within the definitions and provisions for health care providers.

**Status:** 01/16/2008 – House Rules Committee

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**Bill:** HB180

**Sponsors:** Moore (R67)

**Title:** MANNY HERRERA HEALTHY FOODS ACT

**Summary:** Creates a nine-member Healthy Food Initiatives Board, administratively attached to the Economic Development

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Department, and appropriates nonreverting \$10 million (GF) for its operation. The board is to provide financial assistance to qualified applicants proposing projects to improve access to healthy foods.

**Status:** 01/17/2008 – House Consumer and Public Affairs Committee

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**Bill: HJM12**

**Sponsors:** Sandoval (D17)

**Title:** DENTAL SCHOOL FOR NEW MEXICO

**Summary:** Requests the New Mexico Health Policy Commission and the University of New Mexico Health Sciences Center to conduct a joint study to determine the feasibility of establishing a dental school in New Mexico, to be submitted by November 1, 2008.

**Status:** 01/17/2008 – House Health and Government Affairs Committee

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**Bill: SB23**

**Sponsors:** Ryan (R10)

**Title:** HUMAN STEM CELL RESEARCH AND CLONING

**Summary:** Creates the Biomedical Research Act, which would permit research and clinical applications involving certain human embryonic stem cells, but prohibit human reproductive cloning.

**Status:** 01/16/2008 – Senate Public Affairs Committee

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**Bill: SB93**

**Sponsors:** Papen (D38)

**Title:** UNM RURAL HEALTH CARE OUTREACH

**Summary:** Appropriates \$1.8 million (GF) to UNM's board of regents to support, in partnership with NMSU's Cooperative Extension, a rural health care outreach program.

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**Bill: SJM15**

**Sponsors:** Komadina (R9)

**Title:** RESIDENTIAL TREATMENT CENTERS FOR PSYCHIATRIC CRISES

**Summary:** Requests the Human Services Department to study a plan for response and short-term treatment of persons suffering psychiatric crises who do not present a danger to themselves or others. A report is due to the Interim Legislative Health and Human Services Committee no later than December 1, 2008.

**Status:** 01/16/2008 – Senate Rules Committee

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**Bill: SM9**

**Sponsors:** Carraro (R23)

**Title:** ANTIDEPRESSANTS AND YOUTH SUICIDE

**Summary:** Requests the New Mexico Health Policy Commission to convene a task force of experts to investigate whether there is a correlation between antidepressant drugs and suicidal thoughts and behaviors, and recommend policy solutions to address the correlation if it exists.

**Status:** 01/17/2008 – Senate Rules Committee

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## RECRUITMENT & RETENTION

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**Bill: HB134**

**Sponsors:** Campos, J. (D63)

**Title:** MALPRACTICE INSURANCE ASSISTANCE FOR BIRTHING

**Summary:** Establishes Birthing Workforce Retention Fund to provide assistance of \$10,000 or more to certified nurse-midwives and obstetric physicians having at least one-half of their practice serving indigent or medicaid patients.

**Status:** 01/16/2008 – House Business and Industry Committee

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**Bill: HB167**

**Sponsors:** King (D50)

**Title:** BIRTHING WORKFORCE RETENTION FUND

**Summary:** Creates the Birthing Workforce Retention Fund for certified nurse-midwives and physicians providing birthing services to low-income New Mexicans to assist with their medical malpractice premiums.

**Status:** 01/16/2008 – House Business and Industry Committee

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**Bill: HM2**

**Sponsors:** Picraux (D25)

**Title:** PRIMARY CARE PHYSICIANS NEEDED

**Summary:** The memorial recognizes the state's need for more primary care doctors and dentists and requests the New Mexico Health Policy Commission to convene a task force of experts by June 1, 2008 to plan for new or expanded state-funded, nationally accredited residency program which include rotations in underserved communities, and report its findings and recommendations by September 1, 2008.

**Status:** 01/17/2008 – House Health and Government Affairs Committee

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**Bill: SB7**

**Sponsors:** Komadina (R9)

**Title:** NMHU MEDICAL SCHOOL RECRUITMENT OUTREACH

**Summary:** Provides \$250,000 (GF) to NMHU's Board of Regents for a program to help prepare rural and underserved undergraduate students from smaller universities to enter medical school. Preparation will include mentoring by rural physicians and physicians associated with the New Mexico Hispanic Medical Association.

**Status:** 01/16/2008 – Senate Education Committee

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**Bill: SB14**

**Sponsors:** Feldman (D13)

**Title:** HEALTH PROFESSIONAL RECRUITMENT, RETENTION AND EDUCATION

**Summary:** Provides \$1,756,500 (GF) to fund expanded health professional recruitment, retention and educational opportunities.

**Status:** 01/16/2008 – Senate Public Affairs Committee

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**Bill: SB127**

**Sponsors:** Komadina (R9)

**Title:** MEDICAL DOCTORS' LICENSURE FEE WAIVER

**Summary:** Appropriates nonreverting \$80,000 (GF) to the Medical Board for a licensure fee waiver program to recruit and retain medical doctors for practice in the state.

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## TAX

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**Bill: HB148/SB148**

**Sponsors:** Picraux (D25)/Komadina (R9)

**Title:** INCOME TAX CREDIT: EMPLOYER WELLNESS PROGRAM

**Summary:** Provides a nonrefundable personal or corporate income tax credit to employers. The credit equals 50 percent of the amount expended by the employer in a year for a qualified wellness program for the employer's New Mexico resident employees. The credit amount may not exceed the sum of (a) \$200 times the number of employees (maximum of 200) who are residents of New Mexico and (b) \$100 times the number of employees in excess of 200 who are New Mexico residents.

**Status:** 01/16/2008 – House Health and Government Affairs Committee

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**Bill: SB115**

**Sponsors:** Snyder (R15)

**Title:** INCOME TAX CREDIT: EMPLOYEE HEALTH CARE PREMIUMS

**Summary:** Grants a nonrefundable credit against personal or corporate income tax to employers of 50 or fewer employees who provide health insurance for their employees. The credit equals 50 percent of the employee health insurance premiums, including long-term care and disability income premiums, for the first five taxable years. After that, the credit rate drops to 35 percent. Applies to the 2008 and succeeding tax years.

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**Bill: SB158**

**Sponsors:** Komadina (R9)

**Title:** GROSS RECEIPTS TAX: HEALTH CARE SERVICES

**Summary:** Allows 16 categories of licensed health care practitioners to deduct any gross receipts from health care services which are not already exempt or deductible.

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