

New Mexico Medical Society Legislative Update January 26, 2015

For all of you who follow your team through the entire football season (or watch each episode of Downton Abbey), the NMMS weekly legislative report is for you. For those who just care who wins the Super Bowl (or who Mary will marry), check back on March 21st when the Legislative Session wraps up! This report will summarize the ups and downs, ins and outs of the NM legislative process with a special eye to legislation impacting Medicine.

The [Senate](#) and the newly elected, reconfigured [House](#) have assigned committees.

At this early point in the session, not all NMMS priorities have been introduced but briefing papers are provided here:

1. [Deduction of gross receipts tax on deductibles](#)
2. [Non-compete clauses in employment contracts](#)
3. [Scope of practice act](#)
4. [Cardiac arrest response act – defibrillation and the Good Samaritan](#)
5. [Universal vaccine purchase](#)

For more information throughout the session, go to <http://nmms.org> – Advocacy & Legislation – where you will find briefing papers, reports, and a [Legislative Links page](#). As you come up with questions, comments, or the desire to testify or call your legislator, please feel free to contact the office at ajung@nmms.org or (505) 796-3433 or Randy Marshall directly at rmarshall@nmms.org or (505) 263-4912.

NMMS PRIORITIES

Bill: HB52
Sponsors: Espinoza (R59)
Title: HEALTH CARE PRACTITIONER COMPETITION RESTRICTIONS VOID IN LEA, CHAVES, OR EDDY COUNTY
Summary: (Related to 2014 SB46; similar to 2013 SB608 and 2013 HB642) Limits enforceability of contractual conditions involving certain healthcare professionals who are under contract to health businesses. Declares a noncompete provision void in a contract that restricts the right of a health care professional to provide health care services in Lea, Chaves or Lea County when the contract is terminated. All other provisions of the agreement, including payment of damages reasonably related to the injury suffered by reason of the agreement termination, shall be enforceable.
NOTE: This is not NMMS priority bill but is related to that which Sen. Stuart Ingle will introduce.

Bill: HB122
Sponsors: McMillan (R37)
Title: SCOPE OF PRACTICE OF HEALTH PROFESSIONS
Summary: (Related to 2014 HB143, HJM9, HM28, SB14, SB58, SB76, SB329) Requires that a member or licensee of a health profession licensing board who seeks a change in the scope of practice shall request a hearing from that board on the matter. The board shall collect data, make a technical assessment of the proposed change and report its analysis, conclusions and recommendations to the New Mexico Legislative Council. The council shall assign the proposed change to a committee for its review and shall report on its assessment, analysis and recommendations to the Legislature.

Bill: HM9
Sponsors: Adkins (R29)
Title: None
Summary: None
NOTE: This will be Memorial on Transition of Care.

Bill: SB121
Sponsors: O'Neill (D13); McMillan (R37)
Title: VACCINE PURCHASING ACT
Summary: (For the Legislative Health and Human Services Committee) Cited as the Vaccine Purchasing Act, establishes a statewide universal vaccine purchasing program within the Department of Health. The purpose of the program is to expand and improve rates of childhood immunizations, facilitate acquisition of vaccines by health care providers and leverage funding for purchase, storage and distribution of vaccines for children who are not eligible under the federal Vaccines for Children Program.

Bill: SB189
Sponsors: Beffort (R19)
Title: GOOD SAMARITAN LIABILITY IMMUNITY FOR AIDING PERSON IN NEED OF DEFIBRILLATION
Summary: Changes the standard for immunity from civil liability under the Cardiac Response Act for persons who render emergency care or treatment by the use of an automated external defibrillator.

Clinical Issues

Bill: SB81
Sponsors: Morales (D28); James (R24)
Title: EMS PRE-HOSPITAL PROTOCOLS FOR STROKE PATIENTS
Summary: Proposes to amend the Public Health Act to provide for new pre-hospitalization protocols for stroke patients and to expand the allowable sources of accreditation for stroke centers.

Bill: SB89
Sponsors: Moores (R21)
Title: UNM APPROPRIATION: BRAIN SAFE PROGRAM
Summary: Appropriates \$3,000,000 (GF) to the Board of Regents of the University of New Mexico for expenditure in FY 2016 for the Brain Safe program for university athletes.

Department of Health - Studies and Funding

Bill: HB84
Sponsors: Trujillo, C. (D25)
Title: FREESTANDING BIRTH CENTER LICENSURE
Summary: Amends the Public Health Act to include freestanding birth centers in the definition of health facilities licensed by the Department of Health, and provides that such a center accredited by the Commission for Accreditation of Birth Centers shall be granted a license renewal based on that accreditation.

Bill: HB99
Sponsors: Clahchischilliage (R4)
Title: DOH APPROPRIATION: LOCAL COMMUNITY HEALTH NEEDS
Summary: Appropriates \$900,000 (GF) to Department of Health for expenditure in FY 2016 to fund county and tribal health councils' identification of local communities' health needs and development of strategies to address those needs pursuant to the Maternal and Child Health Plan Act.

Bill: SB137
Sponsors: Lopez (D11)
Title: PREVENTION OF BIRTHS AMONG ADOLESCENTS
Summary: Provides \$500,000 (GF) to the Department of Health, DOH, for use in FY 2016 to implement statewide comprehensive programming to prevent births among adolescents.

Hospital Issues

Bill: HB81
Sponsors: Trujillo, C. (D25)
Title: PATIENT SAFE STAFFING ACT
Summary: (Identical in substance to 2014 HB83 and SB151) Proposes the Patient Safe Staffing Act in order to ensure that hospitals maintain a safe number of nurses on duty at all times. Vests the Department of Health with authority to administer the act, require reports from hospitals for purposes of publication and audit, and adopt rules. Provides a \$100,000 General Fund appropriation to DOH.
Related: 2014:HB83; 2014:SB151

Bill: HB139
Sponsors: Salazar, T. (D70)
Title: DESIGNATION AND TRAINING OF AFTER-CARE LAY CAREGIVERS
Summary: Directs hospitals to provide each patient or patient's legal guardian with an opportunity to designate one lay caregiver following the patient's admission and before the patient's discharge. Directs the hospital to consult with a designated lay caregiver to prepare the lay caregiver for aftercare, to provide a discharge plan detailing the patient's aftercare needs, to engage the patient or lay caregiver in the discharge planning process and to educate the lay caregiver in a manner consistent with current accepted practices.

Bill: SB117
Sponsors: Rodriguez (D24)
Title: SUNSETS COUNTY OBLIGATION TO SAFETY NET CARE POOL FUND FUND L
Summary: (For the Revenue Stabilization and Tax Policy Committee) Sunsets on December 31, 2018, the obligation of counties to pay the state's Safety Net Care Pool Fund annually an amount equal to that raised by a gross receipts tax rate of one-twelfth percent.

Bill: SB191
Sponsors: Neville (R2)
Title: HSD PAYMENTS TO COUNTY HOSPITALS
Summary: Amends the Indigent Hospital and County Health Care Act to require Human Services Department, HSD, to make quarterly payments for indigent care from the Safety Net Care Pool Fund to qualifying county hospitals. These payments are equal to, or may be in excess of, the county's contribution to the fund for the corresponding quarter—depending on the amount of indigent care provided by a county hospital.

Insurance & Payments

Bill: HB17
Sponsors: McCamley (D33)
Title: ESTABLISHES HEALTH CARE COVERAGE ID CARD REQUIREMENTS
Summary: Proposes new sections of the Health Care Purchasing Act, the Health Care Maintenance Organization Law, the New Mexico Insurance Code and the Nonprofit Health Care Plan Law to establish health care coverage ID card requirements.
Related: 2014:HB131; 2014:SB29

Bill: SB3
Sponsors: Leavell (R41); Larranaga (R27)
Title: INSURANCE NOMINATING COMMITTEE AND SUPERINTENDENT CHANGES
Summary: Provides for the compensation of the State Insurance Superintendent to be established by the Insurance Nominating Committee, instead of by the Legislature in the Appropriations Act, at the beginning of each term and annually thereafter.

Bill: SB12
Sponsors: Candelaria (D26)
Title: REQUIRES GROUP INSURANCE COVERAGE TO COMBAT OBESITY
Summary: (For the Legislative Health and Human Services Committee) (Identical to SB64 2014, except for effective date; related to SJM10) Proposes a new section of the Health Care Purchasing Act to require that beginning on January 1, 2016, all group health coverage (including any form of self-insurance) that is offered, issued or renewed under the Health Care Purchasing Act must provide coverage for obesity prevention and screening as well as for interventions to promote weight reductions and treat obesity.
Related: 2014:SB64; 2014:SJM10

Bill: SB152
Sponsors: Morales (D28)
Title: HEALTH SECURITY ACT
Summary: (Similar to 2013 HB262) Proposes the Health Security Act to make health care coverage available to all New Mexicans through a combination of public and private financing. Participation is mandatory for holders of private insurance. Seeks to control escalating health care costs and improve health care for all New Mexicans. The act creates a Health Care Commission, charged with developing and adopting a plan to provide for certain preventive health care to be offered to all New Mexicans, regardless of a person's eligibility to participate as a beneficiary. An individual is eligible for coverage if physically present in the state for one year prior to the date of application for enrollment. Private insurance may not be provided to a beneficiary for health care that is covered by the plan; however, a beneficiary may purchase private, supplemental benefits and insurance for benefits not covered under the plan. Appropriates \$250,000 (GF) to the Legislative Finance Committee for expenditure in FY 2016 to undertake fiscal analysis required pursuant to the act.

Bill: SB190
Sponsors: Papen (D38)
Title: HEALTH INSURANCE: PROHIBITED DISCRIMINATION
Summary: (For the Legislative Health and Human Services Committee) (Substantially similar to 2011 HB 334 and SB 339) Provides that group and individual health care coverage issued the Health Care Purchasing Act, the Insurance Code the Health Maintenance Organization Law, and the Nonprofit Health Care Plan Law shall not discriminate with respect to the participation or reimbursement of any health care provider who acts within his or her scope of practice.

Medicaid

Bill: SB42
Sponsors: Ortiz y Pino (D12)
Title: MEDICAID FOR CERTAIN INCARCERATED PERSONS
Summary: (For the Legislative and Human Services Committee and the Courts, Corrections and Justice Committee) Directs the Secretary of Human Services to adopt and promulgate rules to provide continued Medicaid enrollment to eligible, incarcerated individuals.

Bill: SB55
Sponsors: Papen (D38)
Title: CLARIFY DEFINITION OF MEDICAID FRAUD
Summary: (For the Courts, Corrections and Justice Committee and the Legislative Health and Human Services Committee) (Similar to 2014 SB33) Changes the definition of Medicaid fraud; defines "overpayment" and "credible allegation of fraud;" establishes rights and remedies of Medicaid providers and subcontractors for alleged overpayments or credible allegation of fraud; and provides for judicial review, injunctive relief, attorney fees and witness fees.

Pain Management/Controlled Substances

Bill: SB22
Sponsors: Padilla (D14)
Title: DRUG OVERPRESCRIBING HOTLINE
Summary: Appropriates \$250,000 to the Board of Pharmacy for FY 2016 to develop and implement this program to establish a program to address the overprescribing of controlled substances, which program shall include a 24-hour telephone hotline and a publicly accessible internet website to receive reports of suspected overprescribing. The board shall establish rules and procedures for the investigation of reports and for collaboration with licensing boards to discipline practitioners who violate professional standards.

Bill: SB24
Sponsors: Padilla (D14)
Title: APPROPRIATION: UNM PAIN MANAGEMENT CENTER
Summary: Appropriates \$1,100,000 (GF) to the Board of Regents of the University of New Mexico for expenditure in FY 2016 to support the UNM Pain Management Center.

Bill: SB40
Sponsors: Ortiz y Pino (D12)
Title: APPROPRIATION: ADOLESCENT TRANSITIONAL LIVING AND RECOVERY SERVICES
Summary: (For the Legislative Health and Human Services Committee) Appropriates \$1,024,000 (GF) to CYFD for expenditure in FY 2015 through FY 2020 to contract with a Bernalillo County nonprofit organization for transitional living and recovery services for adolescents statewide.

Bill: SB154
Sponsors: Beffort (R19)
Title: BEHAVIORAL HEALTH PRIMARY CARE, COMMUNITY WORK FORCE TRAINING
Summary: (For the Legislative Health and Human Services Committee) Appropriates \$12,000,000 (GF) to the UNM Board of Regents for expenditure in FYs 2015 through 2020 to expand access to behavioral health and substance use disorder treatment through training and support of the primary care work force in 20 community clinics.

Pharmacy Matters

Bill: SB21
Sponsors: Padilla (D14)
Title: COLLECTION AND DISPOSAL OF UNUSED DANGEROUS DRUGS
Summary: Provides a new section of the Pharmacy Act to regulate the Dangerous Drug Take-Back Program.

Regulations/Licensing/Legislative

Bill: SB41
Sponsors: Ortiz y Pino (D12)
Title: LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE POWERS AND STAFF
Summary: (For the Legislative Health and Human Services Committee) Authorizes the Legislative Health and Human Services Committee to operate as a permanent, year-round committee and appropriates \$200,000 (GF) for use in FY2016 for the Legislative Council Service to provide the committee with expert, permanent, year-round staff assigned exclusively to committee duties.

Scope of Practice & Health Professionals

Bill: HB54
Sponsors: Espinoza (R59)
Title: ANESTHESIOLOGIST ASSISTANTS ACT CHANGES
Summary: Provides that anesthesiologists and anesthesiologist assistants may practice in New Mexico outside the employment of the Department of Anesthesiology at the UNM Medical School.

Bill: SB6
Sponsors: Shendo (D22); Roch (R67)
Title: DENTAL THERAPY LICENSURE AND PRACTICE
Summary: (For the Legislative Health and Human Services Committee and the Indian Affairs Committee) (Related to 2013 HB17 and SB567 as well as 2011 HB495) Revises the Dental Health Care Act and other pertinent statutes to provide for the licensing, regulation and scope of practice of dental therapy, a new category of dental health care service.
Related: 2013:HB17; 2013:SB67; 2011:HB495

Bill: SB51
Sponsors: Leavell (R41)
Title: WORKERS' COMP INTRASTATE AIR AMBULANCE FEE SCHEDULE
Summary: Adds Health Department-certified intrastate air ambulance services to the definition of health care provider in the Workers' Compensation Act. Provides that these services are subject to utilization review under the act. Provides that the Workers' Compensation director will establish a fee schedule for services and that the maximum reasonable fee charged by a service provider will not exceed those in that schedule.

Bill: SB194
Sponsors: Ivey-Soto (D15)
Title: STATE-AGENCY RULE ADOPTION CHANGES; RULES SUBJECT TO LEGISLATIVE REVIEW
Summary: Contains requirements for proposing, adopting, amending or repealing rules. Applies to all executive branch agencies, boards, commissions, departments, institutions or officers. Proposed rules are subject to legislative review. Includes updates to accommodate the electronic transfer and posting of notices and rule publication.

Bill: SB200
Sponsors: Sanchez, C. (D30)
Title: SPEECH AND HEARING PROFESSIONS LICENSING
Summary: (Related to 2015 HM3 and HM4; 2014 HJM1, HJM2, SJM1 and SJM2;) Clarifies the definition and use of certain terms in the Speech and Hearing Professions Licensing Act; provides for a bilingual-multicultural license endorsement.

Studies & Memorials

Bill: SJM2
Sponsors: Candelaria (D26)
Title: HEALTH CARE COVERAGE INNOVATION WAIVER WORKING GROUP CREATION REQUEST
Summary: (For the interim Legislative Health and Human Services Committee) Requests the Superintendent of Insurance to convene an innovation waiver working group to make recommendations on applying for a innovation waiver under the federal Affordable Care Act, and the creation of a comprehensive, sustainable health care system.

Taxes & Money Matters

Bill: HB18
Sponsors: McCamley (D33)
Title: PHASE OUT CERTAIN GRT TAX DEDUCTIONS AND EXEMPTIONS
Summary: (Nearly identical to 2014's HB131 and SB29) Phases in effective termination of 38 sections of the Gross Receipts and Compensating Tax Act providing deductions and exemptions (some sections offer more than one exemption or deduction) on July 1, 2024, July 1, 2025 or July 1, 2029. Requires itemization of certain deductions and exemptions. Provides a \$500,000 (GF) appropriation to Taxation and Revenue Department.

Bill: HB21
Sponsors: Roybal-Caballero (D13)
Title: PHASED-IN SUPPLEMENTAL PERSONAL INCOME TAX
Summary: (Conceptually identical to 2014 HB168) Beginning with taxable year 2015, the personal income tax is augmented by a phased-in income tax supplemental tax on higher-income taxpayers.
Related: 2014:HB168

Bill: HB110
Sponsors: McCamley (D33)
Title: PERSONAL INCOME TAX RATE CHANGES
Summary: Adds a new 5.9 percent bracket to the top of existing personal income tax rate tables but lowers the rates for all existing brackets, effective with the 2015 taxable year.

Bill: HB137
Sponsors: Garcia, Miguel (D14)
Title: CHANGES PERSONAL INCOME TAX RATES
Summary: (Similar to HB110) Adds two new brackets (6 percent and 7.1 percent) to the top of existing personal income tax rate tables but lowers the rates for all existing brackets, effective with the 2015 taxable year.

Bill: SB101
Sponsors: Neville (R2)
Title: STATE GROSS RECEIPTS AND HOLD HARMLESS TAX CHANGES
Summary: (Related to 2014 SB 87) Decreases the state gross receipts tax; reduces the amount of municipal or county hold harmless gross receipts tax that may be imposed; repeals the hold harmless distributions to municipalities and counties.
Related: 2014:SB87

Bill: SB117
Sponsors: Rodriguez (D24)
Title: SUNSETS COUNTY OBLIGATION TO SAFETY NET CARE POOL FUND FUND L
Summary: (For the Revenue Stabilization and Tax Policy Committee) Sunsets on December 31, 2018, the obligation of counties to pay the state's Safety Net Care Pool Fund annually an amount equal to that raised by a gross receipts tax rate of one-twelfth percent.

Tobacco

Bill: HB42
Sponsors: Youngblood (R68)
Title: TOBACCO PRODUCTS AND E-CIGARETTE ACT
Summary: (For the Tobacco Settlement Revenue Oversight Committee) (Similar to 2014 HB 15, as amended) Expands and renames the existing Tobacco Products Act to include e-cigarettes within the Tobacco Products and E-Cigarette Act. Prohibits the sale of e-cigarettes to minors in person or via the internet; specifies ID requirements and penalties.
Related: 2014:HB15

Bill: SB65
Sponsors: McSorley (D16)
Title: REGULATION AND LABELING OF NICOTENE PRODUCTS
Summary: (For the Tobacco Settlement Revenue Oversight Committee) Amends and re-names the Tobacco Products Tax Act to tax e-cigarettes at the rate of four cents per milligram of nicotine contained in their nicotine products.

WorkForce - Recruit, Retention, Training

Bill: SB35
Sponsors: Padilla (D14)
Title: DENTAL STUDENTS IN WICHE PROGRAM
Summary: (For the Legislative Health and Human Services Committee) Appropriates \$400,000 (GF) to the Higher Education Department for expenditure in FY 2016 to increase the number of dental students who participate in the Western Interstate Commission for Higher Education program.

Bill: SB155
Sponsors: Beffort (R19)
Title: MEDICAL, DENTAL AND BEHAVIORAL HEALTH RECRUITS
Summary: Provides \$300,000 (GF) to the Department of Health, DOH, for FY 2016 to fund the health professional recruitment efforts of DOH, including efforts to recruit primary care medical and dental health care professionals, and behavioral health care professionals.