

New Mexico Medical Society Legislative Update **February 4, 2015**

After two weeks, the legislative session is listing towards scope of practice expansion. Bills have been introduced to expand scope of practice for both optometrists (SB367) and chiropractors (SB376). On the other hand, Rep. Terry McMillan MD introduced HB122 which would establish a double-tiered review system of all scope of practice changes.

SB325 introduced by Sen. Stuart Ingle which would limit non-compete contract provisions. NMMS President, Jim Martinez MD, testified on SB325 at the Senate Corporation and Transportation Committee (2/4/15) where the bill received a DO PASS.

The Vaccine Purchase Act (SB121) met opposition straight out of the gate and amendments are being drafted. It will be heard in Senate Public Affairs on 2/5/15. Lance Chilton MD will testify.

Please contact NMMS staff at (505) 796-3433 or Randy Marshall at (505) 263-4912 with questions and concerns. Briefing papers and legislative links are available on the Society's website, www.nmms.org.

NMMS PRIORITIES

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.
History: 01/13/2015—H Prefiled in the House.
01/26/2015—H Introduced and referred to House Health.
01/26/2015—H Also referred to House Judiciary.

Bill: HB259
Sponsors: Trujillo, J. (D45)
Title: GROSS RECEIPTS DEDUCTION FOR RECEIPTS OF HEALTH CARE PRACTITIONERS
Summary: Amends the existing deduction for receipts of a health care practitioner from managed care organizations or health care insurers. Removes the restriction that payment be for services rendered within the practitioner's scope of practice. Adds that receipts of the practitioner from deductibles paid by the insuree or enrollee are deductible. Sunsets this deduction January 1, 2021.
History: 01/29/2015—H Introduced and referred to House Health.
01/29/2015—H Also referred to House Ways & Means.
01/29/2015—H Also referred to House Appropriations & Finance.

Bill: HM9
Sponsors: Adkins (R29)
Title: HEALTH CARE TRANSITION STUDY FOR SPECIAL NEEDS CHILDREN
Summary: Requests DOH's Children's Medical Services Program and UNM's Center for Development and Disability to convene a task force to study ways to improve the system of health care transition for New Mexico children and youths with special health care needs.
History: 01/26/2015—H Introduced and placed on Speaker's Table.
02/03/2015—H Removed from Speaker's table.
02/03/2015—H Referred to House Health.
02/03/2015—H Also referred to House Appropriations & Finance.

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.
History: 01/08/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Public Affairs.
01/22/2015—S Also referred to Senate Judiciary.
01/22/2015—S Also referred to Senate Finance.
Scheduled: 02/05/2015—Senate Public Affairs Committee, 1:30 p.m. or 1/2 hour after session, Room 321

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.
History: 01/14/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Public Affairs.
01/22/2015—S Also referred to Senate Judiciary.

Bill: SB243
Sponsors: Ortiz y Pino (D12)
Title: HEALTH CARE INDUSTRY EXEMPTED FROM EMPLOYEE PRIVACY ACT
Summary: (Similar to 2014 SB251) Exempts health care practitioners, health care workers and certain nonprofit corporations from the provisions of the Employee Privacy Act, thereby authorizing them to refuse to hire an individual who is a smoker.
Related: 2015:SB251
History: 01/26/2015—S Introduced and referred to Senate Corporations & Transportation.
01/26/2015—S Also referred to Senate Judiciary.

Bill: SB325
Sponsors: Ingle (R27)
Title: LIMITS NON-COMPETE CONTRACTUAL PROVISIONS FOR HEALTHCARE PRACTITIONERS
Summary: (Similar to 2014 HB76 and SB46; similar to 2013 SB608 and 2013 HB642) Limits enforceability of contractual conditions involving certain healthcare practitioners who are under contract to health businesses. Declares a non-compete provision void, in a contract that restricts the right of a health care professional to provide health care services, upon the termination of the agreement (or extension) or the practitioner's employment with a party seeking to enforce the agreement. Applies to agreements entered into on or after July 1, 2015.
Related: 2013:HB642; 2013:SB608; 2014:SB46; 2014:HB76
History: 01/28/2015—S Introduced and referred to Senate Corporations & Transportation.
01/28/2015—S Also referred to Senate Judiciary.
02/04/15 – S Corporations & Transportation: DO PASS.

Bill: SB422
Sponsors: Beffort (R19)
Title: PAIN MANAGEMENT REGULATION AND PEER REVIEW
Summary: (Related to 2015 SB24 and 2014 SB186) Imposes requirements on licensing boards and health care practitioners regarding pain management. Amends the Pain Relief Act to require that no later than July 1, 2015, health licensing boards shall adopt rules to

implement the act, determine whether the prescriptive practices of its health care practitioner licensees who are authorized to prescribe controlled substances are consistent with the appropriate treatment of pain for patients with substance use disorders. Provides for peer review of opioid prescribers; makes peer review confidential; provides penalties for unauthorized disclosure; makes consent to peer review a condition of licensure. Makes an appropriation.

History: 02/03/2015—S Introduced and referred to Senate Public Affairs.
02/03/2015—S Also referred to Senate Judiciary.
02/03/2015—S Also referred to Senate Finance.

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.
History: 12/21/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Public Affairs.
01/21/2015—S Also referred to Senate Corporations & Transportation.
Scheduled: 02/05/2015—Senate Public Affairs Committee, 1:30 p.m. or 1/2 hour after session, Room 321

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.
History: 12/21/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Education.
01/21/2015—S Also referred to Senate Finance.
Scheduled: 02/04/2015—Senate Education Committee, 8:30 a.m., Room 311

Bill: SB431
Sponsors: Soules (D37)
Title: BRAIN INJURY TRAINING FOR STUDENT ATHLETES
Summary: Requires annual brain injury training for student athletes at the beginning of the academic year or the first participation in school district athletic activities, confirmed by a brain injury training and information form signed by the student athlete and the athlete's parent.
History: 02/03/2015—S Introduced and referred to Senate Education.
02/03/2015—S Also referred to Senate Public Affairs.

Bill: SB437
Sponsors: Brandt (R40)
Title: RESTRICTS ACCESS TO SAFE AND LEGAL ABORTION
Summary: Requires a physician performing or inducing an abortion to have physician admitting privileges and to facilitate access to medical records and emergency medical assistance.
History: 02/03/2015—S Introduced and referred to Senate Public Affairs.
02/03/2015—S Also referred to Senate Judiciary.

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.
History: 01/08/2015—H Prefiled in the House.
01/26/2015—H Introduced and referred to House Safety & Civil Affairs.
01/26/2015—H Also referred to House Health.

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.
History: 01/08/2015—H Prefiled in the House.
01/26/2015—H Introduced and referred to House Government, Elections & Indian Affairs.
01/26/2015—H Also referred to House Appropriations & Finance.
Scheduled: 02/04/2015—House Government, Elections and Indian Affairs Committee, 8:30 a.m., Room 307

Bill: HB244
Sponsors: Roch (R67)
Title: STATEWIDE EMERGENCY MEDICAL SERVICES FINANCING STUDY
Summary: Provides \$300,000 (GF) to Department of Health, DOH, for use in FY 2016 for a study to be conducted by DOH's Injury Prevention and Emergency Medical Services Bureau within the Public Health Division. The study is to determine how the state can best finance emergency services statewide.
History: 01/28/2015—H Introduced and referred to House Health.
01/28/2015—H Also referred to House Appropriations & Finance.

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.
History: 01/08/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Public Affairs.
01/22/2015—S Also referred to Senate Finance.

Bill: SB362
Sponsors: Ivey-Soto (D15); McMillan (R37)
Title: ESSENTIAL HEALTH SERVICES AND DOH FUNCTIONS
Summary: A 63-page bill relating to essential health services and DOH functions; sexually transmitted infections; conditions of public health importance; communicable diseases; isolation and quarantine and school health care oversight.
History: 01/29/2015—S Introduced and referred to Senate Public Affairs.
01/29/2015—S Also referred to Senate Judiciary.

Bill: SB404
Sponsors: Munoz (D4)
Title: RURAL CLINICAL TRIAL SUPPORT SERVICES FOR CANCER PATIENTS
Summary: Provides \$100,000 (GF) to the Department of Health, DOH, for use in FY 2016 to provide coordinated cancer prevention, research and education services. The authorization includes access to clinical trials in rural areas. DOH is to provide the services through a nonprofit statewide network of health care providers engaged in conducting clinical trials, providing educational services to physicians and patients and coordinating with organizations that provide support services to cancer patients and their families.
History: 02/02/2015—S Introduced and referred to Senate Public Affairs.
02/02/2015—S Also referred to Senate Finance.

Hospital/Triage Issues & Staffing

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.
History: 01/08/2015—H Prefiled in the House.
01/26/2015—H Introduced and referred to House Regulatory & Public Affairs.
01/26/2015—H Also referred to House Health.

Scheduled: 02/06/2015—House Regulatory and Public Affairs Committee, 1:30 p.m., Room 315

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.
History: 01/16/2015—H Prefiled in the House.
01/26/2015—H Introduced and referred to House Health.
01/26/2015—H Also referred to House Business & Employment.

Bill: **HB212**
Sponsors: McMillan (R37); Papen (D38)
Title: REIMBURSEMENT PARITY FOR CRISIS TRIAGE CENTER SERVICES
Summary: Directs Department of Health, to adopt and promulgate rules to establish a reimbursement rate for services provided to recipients of state medical assistance at a crisis triage center that, at a minimum, equals the reimbursement rate for the same services provided at a hospital.
History: 01/27/2015—H Introduced and referred to House Transportation & Public Works.
01/27/2015—H Also referred to House Appropriations & Finance.
01/30/2015—H Referral withdrawn from House Transportation & Public Works.
01/30/2015—H Referred to House Health.
01/30/2015—H Referred to House Appropriations & Finance.

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.
History: 01/08/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Public Affairs.
01/22/2015—S Also referred to Senate Finance.

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.
History: 01/16/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Public Affairs.
01/22/2015—S Also referred to Senate Finance.

Bill: **SB284**
Sponsors: Lopez (D11)
Title: PATIENT SAFE STAFFING ACT
Summary: (Duplicate of HB 81) (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.
History: 01/27/2015—S Introduced and referred to Senate Public Affairs.
01/27/2015—S Also referred to Senate Judiciary.
01/27/2015—S Also referred to Senate Finance.

Information Systems - Electronic Records

Bill: SB309
Sponsors: Beffort (R19)
Title: HEALTH RECORD INTEROPERABILITY COMMISSION
Summary: Establishes the Health Record Interoperability Commission to convene stakeholders and develop a plan for the interoperability of electronic health records across health care providers statewide.
History: 01/27/2015—S Introduced and referred to Senate Public Affairs.
01/27/2015—S Also referred to Senate Corporations & Transportation.

Bill: SB323
Sponsors: Moores (R21)
Title: SAFE DISCLOSURE OF HEALTH INFORMATION
Summary: Proposes to amend sections of the Health Information System Act to provide for the safe disclosure of information related to specifically identifiable data sources; proposes a new section of the act to establish a Health Information System Advisory Committee.
History: 01/27/2015—S Introduced and referred to Senate Public Affairs.
01/27/2015—S Also referred to Senate Judiciary.

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.
History: 12/16/2014—H Prefiled in the House.
01/22/2015—H Introduced and referred to House Health.
01/22/2015—H Also referred to House Ways & Means.
01/30/2015—H Reported Do Pass by House Health.

Bill: HB224
Sponsors: Madalena (D65)
Title: PROVIDES PARITY BETWEEN BEHAVIORAL HEALTH AND OTHER HEALTH BENEFITS
Summary: Proposes new sections of the Health Care Purchasing Act, the Health Care Maintenance Organization Law and the Nonprofit Health Care Plan Law to provide for parity between behavioral health benefits and other benefits. Also adds certain behavioral health benefits to the provisions of the Health Insurance Portability Act.
History: 01/28/2015—H Introduced and referred to House Health.
01/28/2015—H Also referred to House Ways & Means.

Bill: HB258
Sponsors: Garcia, Miguel (D14)
Title: PATIENT FREEDOM OF CHOICE TO INCLUDE MENTAL HEALTH PROFESSIONALS
Summary: (Similar to 2013's HB208) Amends the Insurance Code, under the Freedom of Choice section, to include a licensed professional mental health counselor or therapist among the list of practitioners that an insured person has the right and freedom to choose for treatment of an illness or injury. That right shall not be restricted under any new policy of health insurance, contract or health care plan.
History: 01/29/2015—H Introduced and referred to House Regulatory & Public Affairs.
01/29/2015—H Also referred to House Health.

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.
History: 12/16/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Corporations & Transportation.
01/21/2015—S Also referred to Senate Judiciary.

01/29/2015—S Reported Do Pass by Senate Corporations & Transportation.
02/03/2015—S Reported Do Pass as amended by Senate Judiciary.

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.
History: 12/16/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Public Affairs.
01/21/2015—S Also referred to Senate Corporations & Transportation.
02/02/2015—S Reported Do Pass by Senate Public Affairs.

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.
History: 01/10/2015—S Prefiled in the Senate.
01/27/2015—S Introduced and referred to Senate Public Affairs.
01/27/2015—S Also referred to Senate Judiciary.
01/27/2015—S Also referred to Senate Finance.

Bill: SB190
Sponsors: Papen (D38); Sapien (D9)
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.
History: 01/15/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Public Affairs.
01/22/2015—S Also referred to Senate Judiciary.

Liability

Bill: HB171
Sponsors: Herrell (R51)
Title: ESTABLISHED CONDITIONS FOR BIRTHING WORKFORCE RETENTION FUND AWARDS
Summary: Proposes to amend the Medical Malpractice Act to establish certain conditions for awards from the Birthing Workforce Retention Fund. The fund provides malpractice assistance insurance premium assistance for certified nurse-midwives and physicians whose insurance premium costs jeopardize their ability to continue their obstetrics practice in the state.
History: 01/26/2015—H Introduced and referred to House Health.
01/26/2015—H Also referred to House Judiciary.

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

History: Human Services to adopt and promulgate rules to provide continued Medicaid enrollment to eligible, incarcerated individuals.
12/16/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Public Affairs.
01/21/2015—S Also referred to Senate Finance.
01/29/2015—S Referral withdrawn from Senate Finance.
01/29/2015—S Referred to Senate Judiciary.

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.
History: 12/17/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Public Affairs.
01/21/2015—S Also referred to Senate Judiciary.
Scheduled: 02/05/2015—Senate Public Affairs Committee, 1:30 p.m. or 1/2 hour after Floor Session, Room 321

Bill: SB305
Sponsors: Beffort (R19)
Title: THREE-DIMENSIONAL MAMMOGRAMS FOR MEDICAID- AND CANCER-SCREENING-ELIGIBLE WOMEN
Summary: Provides \$1 million from the Tobacco Settlement Program Fund to the Department of Health, DOH, for use in FY 2016 to buy three-dimensional mammography equipment for mammography services to women who are eligible for Medicaid or the breast and cervical cancer screening program. The funds may also be used for outreach and education, or to contract with a third party to provide outreach and education concerning three-dimensional mammography.
History: 01/27/2015—S Introduced and referred to Senate Public Affairs.
01/27/2015—S Also referred to Senate Finance.

Pain Management/Controlled Substances

Bill: HB215
Sponsors: Trujillo, J. (D45)
Title: DWI GRANT FUND: SUBSTANCE ABUSE TREATMENT
Summary: Broadens use of the Local DWI Grant Fund to include treatment for substance abuse and drug detoxification programs.
History: 01/28/2015—H Introduced and referred to House Safety & Civil Affairs.
01/28/2015—H Also referred to House Ways & Means.

Bill: HB294
Sponsors: Espinoza (R59)
Title: RECLASSIFYING DIHYDROCODEINONE AS A SCHEDULE II RATHER THAN A SCHEDULE III DRUG
Summary: Reclassifies dihydrocodeinone in the following quantities and concentrations as a Schedule II drug – one with a high potential for abuse potentially leading to severe psychological or physical dependence – rather than as a Schedule III drug – one with a moderate to low potential for physical and psychological dependence:
History: 02/03/2015—H Introduced and referred to House Regulatory & Public Affairs.
02/03/2015—H Also referred to House Judiciary.

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.
History: 12/16/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Public Affairs.
01/21/2015—S Also referred to Senate Judiciary.
01/21/2015—S Also referred to Senate Finance.
Scheduled: 02/05/2015—Senate Public Affairs Committee, 1:30 p.m. or 1/2 hour after session, Room 321

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.
History: 12/16/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Public Affairs.
01/21/2015—S Also referred to Senate Education.
01/21/2015—S Also referred to Senate Finance.
02/02/2015—S Reported Do Pass by Senate Public Affairs.

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.
History: 12/16/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Public Affairs.
01/21/2015—S Also referred to Senate Finance.
02/02/2015—S Reported Do Pass by Senate Public Affairs.

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.
History: 01/12/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Public Affairs.
01/22/2015—S Also referred to Senate Finance.

Pharmacy Matters

Bill: HB273
Sponsors: Armstrong (D17)
Title: PROVIDES PARITY BETWEEN MAIL-ORDER AND COMMUNITY PHARMACIES
Summary: Proposes new sections of the Health Care Purchasing Act, the Public Assistance Act, the Insurance Code, the Health Care Maintenance Organization Law and the Nonprofit Health Care Plan Law to provide enrollees with parity of access between participating mail-order pharmacies and participating community pharmacies.
History: 01/29/2015—H Introduced and referred to House Health.
01/29/2015—H Also referred to House Regulatory & Public Affairs.
01/29/2015—H Also referred to House Judiciary.

Bill: HB274
Sponsors: Armstrong (D17)
Title: SYNCHRONIZATION OF PRESCRIPTIONS
Summary: Proposes new sections of the Health Care Purchasing Act, the Public Assistance Act, the Insurance Code, the Health Maintenance Organization Law and the Nonprofit Health Care Plan Law to allow synchronization of prescriptions.
History: 02/03/2015—H Introduced and referred to House Regulatory & Public Affairs.
02/03/2015—H Also referred to House Health.

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.
History: 12/16/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Public Affairs.
01/21/2015—S Also referred to Senate Judiciary.

Regulations/Licensing/Legislative Committees

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.
History: 12/16/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Rules.
01/21/2015—S Also referred to Senate Judiciary.
01/21/2015—S Also referred to Senate Finance.

Bill: SB220
Sponsors: Pirtle (R32)
Title: ESTABLISHED HEALTH CARE PROVIDER CREDENTIALING REQUIREMENTS
Summary: Proposes new and amended sections of the Health Maintenance Organization Law to define “credentialing” and to establish provider credentialing requirements. Also includes definitions for “pharmacist” and “pharmacist clinician.”
History: 01/26/2015—S Introduced and referred to Senate Corporations & Transportation.
01/26/2015—S Also referred to Senate Judiciary.

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.
History: 12/21/2014—H Prefiled in the House.
01/22/2015—H Introduced and referred to House Health.
01/22/2015—H Also referred to House Business & Employment.
Scheduled: 02/05/2015—House Health Committee, 8:30 a.m., Room 309

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.
History: 12/16/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Public Affairs.
01/21/2015—S Also referred to Senate Judiciary.

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.
History: 12/17/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Corporations & Transportation.
01/21/2015—S Also referred to Senate Judiciary.

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.

History: 01/16/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Rules.
01/22/2015—S Also referred to Senate Judiciary.

Bill: **SB299**
Sponsors: Morales (D28)
Title: ADVANCED PRACTICE RNS, CERTIFIED NURSE-MIDWIVES, PHYSICIAN ASSISTANTS
Summary: (An expanded version of 2013 HB414) Updates sections of existing statutes to authorize advanced practice registered nurses, certified nurse-midwives and physician assistants to approve certain certificates and perform other duties now required of physicians. State and local government agencies must conform rules to the expanded scope of the health care practitioners' practice.
History: 01/27/2015—S Introduced and referred to Senate Public Affairs.
01/27/2015—S Also referred to Senate Judiciary.

Bill: **SB367**
Sponsors: Sanchez, M. (D29)
Title: INCREASES OPTOMETRISTS' PRESCRIBING POWERS
Summary: Provides greater prescribing powers to optometrists and clarifies the powers of the Optometry Board.
History: 01/29/2015—S Introduced and referred to Senate Public Affairs.
01/29/2015—S Also referred to Senate Judiciary.

Bill: **SB376**
Sponsors: McSorley (D16)
Title: PROVIDES FOR CERTIFICATION OF ADVANCED PRACTICE CHIROPRACTIC PHYSICIANS
Summary: (Very similar to 2014 SB 329) Refines definitions and requirements related to chiropractic practice and adds a requirement that at least one member of the chiropractic board be a Level One or Level Two Certified Advanced Practice Chiropractic Physician.
History: 01/29/2015—S Introduced and referred to Senate Public Affairs.
01/29/2015—S Also referred to Senate Judiciary.

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.
History: 01/21/2015—S Introduced and referred to Senate Rules.
01/21/2015—S Also referred to Senate Public Affairs.

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.
History: 12/16/2014—H Prefiled in the House.
01/22/2015—H Introduced and referred to House Health.
01/22/2015—H Also referred to House Energy, Environment & Natural Resources.
01/22/2015—H Also referred to House Business & Employment.
01/30/2015—H Reported without recommendation by House Health.

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.
History: 12/16/2014—H Prefiled in the House.
01/22/2015—H Introduced and referred to House Regulatory & Public Affairs.
01/22/2015—H Also referred to House Ways & Means.

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.
History: 01/12/2015—H Prefiled in the House.
01/26/2015—H Introduced and referred to House Regulatory & Public Affairs.
01/26/2015—H Also referred to House Ways & Means.

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.
History: 01/16/2015—H Prefiled in the House.
01/26/2015—H Introduced and referred to House Regulatory & Public Affairs.
01/26/2015—H Also referred to House Ways & Means.

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.
History: 01/02/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Corporations & Transportation.
01/22/2015—S Also referred to Senate Finance.

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.
History: 01/08/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Public Affairs.
01/22/2015—S Also referred to Senate Finance.

Bill: **SB266**
Sponsors: Munoz (D4)
Title: EXCLUDING CERTAIN COUNTIES FROM REDUCTION IN HOLD HARMLESS DISTRIBUTIONS
Summary: (Related to 2014 HB155 & SB171) Allows the hold harmless distribution to a county to continue undiminished if the county's gross receipts tax base grows on average less than 11.7% annually from July 1, 2014. Defines the tax base as all taxable items other than those deductible under Section 7-9-92 ("food stamp" food) and 7-9-93 (certain medical services and products).
History: 01/27/2015—S Introduced and referred to Senate Corporations & Transportation.
01/27/2015—S Also referred to Senate Finance.

Bill: **SB274**
Sponsors: Smith (D35)
Title: REPEALS FOOD HOLD HARMLESS DISTRIBUTION; APPLIES LOCAL OPTION TAXES TO FOOD
Summary: Proposes a complex bill to eliminate the food hold harmless distribution to municipalities and counties, allow municipalities and counties to impose local option taxes on retail food sales, increase the working family personal income tax credit, cut the state gross receipts tax from 5.125% to 5% and repeal currently authorized municipal and county local option hold harmless gross receipts taxes.

History: 01/27/2015—S Introduced and referred to Senate Corporations & Transportation.
01/27/2015—S Also referred to Senate Finance.

Tobacco/Nicotine/E-Cigarettes

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
History: 12/19/2014—H Prefiled in the House.
01/22/2015—H Introduced and referred to House Health.
01/22/2015—H Also referred to House Judiciary.
Scheduled: 02/05/2015—House Health Committee, 8:30 a.m., Room 309

Bill: **HB148**
Sponsors: Steinborn (D35); Wirth (D25)
Title: MOTOR VEHICLES: NO SMOKING WHEN MINOR PRESENT
Summary: Prohibits smoking in a motor vehicle when a minor is present in that vehicle. Defines smoking as the inhaling, exhaling, burning, carrying or holding of any lighted tobacco product including a cigarette, cigar, pipe or e-cigarette.
History: 01/26/2015—H Introduced and referred to House Health.
01/26/2015—H Also referred to House Transportation & Public Works.

Bill: **HB213**
Sponsors: Maestas Barnes (R15)
Title: NICOTINE LIQUID: CHILD-RESISTANT PACKAGING
Summary: Prohibits the sale of nicotine liquid (used in e-cigarettes) unless it is contained in child-resistant packaging. Authorizes the Attorney General to institute a district court civil action for a violation, or to prevent a violation. Relief may include an injunction, restraining order or civil penalty of up to \$1,000 per violation.
History: 01/27/2015—H Introduced and referred to House Judiciary.

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.
History: 12/19/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Corporations & Transportation.
01/21/2015—S Also referred to Senate Finance.

Bill: **SB433**
Sponsors: Ryan (R10)
Title: E-CIGARETTE REGULATION
Summary: (Similar to 2015 HB42, SB360, and 2014 HB15, as amended) Expands and renames the existing Tobacco Products Act to include e-cigarettes within the renamed Tobacco Products and E-Cigarette Act. Prohibits the sale of e-cigarettes to minors in person or via the internet; specifies ID requirements and provides for penalties.
Related: 2015:HB42; 2015:SB360; 2014:HB15
History: 02/03/2015—S Introduced and referred to Senate Public Affairs.
02/03/2015—S Also referred to Senate Judiciary.

WorkForce - Recruit, Retention, Training

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.

Related: 2014:SB46; 2013:SB608; 2013:HB642
History: 12/21/2014—H Prefiled in the House.
01/22/2015—H Introduced and referred to House Business & Employment.
01/22/2015—H Also referred to House Judiciary.
02/03/15 – House Business & Employment – TABLED

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.
History: 12/16/2014—S Prefiled in the Senate.
01/21/2015—S Introduced and referred to Senate Education.
01/21/2015—S Also referred to Senate Finance.

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.
History: 01/12/2015—S Prefiled in the Senate.
01/22/2015—S Introduced and referred to Senate Public Affairs.
01/22/2015—S Also referred to Senate Finance.
Scheduled: 02/03/2015—Senate Public Affairs Committee, 1:30 p.m. or 1/2 hour after Floor Session, Room 321

Bill: SB385
Sponsors: Ortiz y Pino (D12)
Title: HIGHLANDS UNIVERSITY STUDENT PREPARATION FOR MEDICAL SCHOOL
Summary: Provides \$100,000 (GF) to New Mexico Highlands University's board of regents for use in FY 2016 to establish a demonstration and research program to prepare undergraduate students from small universities for successful entry into medical school or other related health fields.
History: 01/29/2015—S Introduced and referred to Senate Education.
01/29/2015—S Also referred to Senate Finance.