



New Mexico Medical Society Legislative Report – Final Summary March 30, 2015

The New Mexico Legislative Sixty day session ended March 21, 2015 with the capital outlay bill reaching an impasse and dying on adjournment, causing in its wake many bills to die. The House and Senate introduced 1,731 bills and only 221 (13%) passed both chambers - several of which were NMMS priority bills. As of press time, HB122 [Scope of Practice of Health Professions], SB325 [Limits Non-Compete Contractual Provisions for Healthcare Practitioners], and HB369 [Genetic Analysis Informed Consent Exception] are all on the Governor's desk waiting to be signed. SB121 [Vaccine Purchase Act] was signed by Governor Martinez before the end of the session and HM9 [Health Care Transition Study for Special Needs Children] was signed by Officers of the House on March 12th and enacted.

A special thank you goes out to all the members who called and wrote legislators this session, urging support of NMMS-backed bills. The contact that you, physicians, have with state legislators make all the difference in the world on getting these bills supported (or voted down in some cases). Thank you.

NMMS PRIORITY ISSUES:

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.

Status: 03/27/2015 – Sent to the Governor
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.
02/16/2015—H Reported Do Not Pass but Do Pass as substituted by House Health.
02/23/2015—H Reported Do Pass as amended by House Judiciary.
02/27/2015—H Opened for floor debate.
02/27/2015—H Passed 57-0.
03/03/2015—S Received in the Senate and referred to Senate Rules.

03/03/2015—S Also referred to Senate Judiciary.
03/13/2015—S Reported Do Pass by Senate Rules.
03/18/2015—S Reported Do Pass by Senate Judiciary.
03/20/2015—S Opened for floor debate.
03/20/2015—S Passed 37-0.
03/26/2015—H Enrolled and engrossed.
03/26/2015—H Signed by Officers of House.
03/27/2015—S Signed by Officers of Senate.

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.
Status: 02/19/2015 – House Ways and Means Committee
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.
02/19/2015—H Reported Do Pass as amended by House Health.

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.
Status: 03/12/2015 – Signed by Officers of House
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.
02/26/2015—H Reported Do Pass by House Health.
03/05/2015—H Reported Do Pass by House Appropriations & Finance.
03/10/2015—H Passed 70-0.
03/12/2015—H Enrolled and engrossed.
03/12/2015—H Signed by Officers of House.

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.

Status: 03/20/2015 – Signed by the Governor

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.
02/06/2015—S Reported Do Pass by Senate Public Affairs.
03/03/2015—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.
03/04/2015—S Committee referrals changed.
03/04/2015—S Referral withdrawn from Senate Finance.
03/05/2015—S Opened for floor debate.
03/05/2015—S Passed 41-0.
03/06/2015—H Received in the House and referred to House Health.
03/12/2015—H Reported Do Pass by House Health.
03/14/2015—H Opened for floor debate.
03/14/2015—H Passed 55-0.
03/17/2015—S Enrolled and engrossed.
03/17/2015—S Signed by Officers of Senate.
03/17/2015—H Signed by Officers of House.
03/20/2015—G Signed by the Governor.

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.

Status: 03/19/2015 – Sent to the Governor

History: 01/28/2015—S Introduced and referred to Senate Corporations & Transportation.
01/28/2015—S Also referred to Senate Judiciary.
02/05/2015—S Reported Do Pass by Senate Corporations & Transportation.
02/12/2015—S Reported Do Pass as amended by Senate Judiciary.
02/17/2015—S Opened for floor debate.
02/17/2015—S Passed 37-3.

02/23/2015—H Received in the House and referred to House Health.
02/23/2015—H Also referred to House Judiciary.
03/12/2015—H Reported Do Pass by House Health.
03/16/2015—H Reported Do Pass by House Judiciary.
03/17/2015—H Opened for floor debate.
03/17/2015—H Passed 55-0.
03/19/2015—S Enrolled and engrossed.
03/19/2015—S Signed by Officers of Senate.
03/19/2015—H Signed by Officers of House.

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.
Status: 02/03/2015 – Senate Public Affairs Committee
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.

NMMS IMPORTANT ISSUES:

SCOPE OF PRACTICE:

Bill: HB519
Sponsors: Herrell (R51)
Title: PHYSICAL THERAPY ACT CHANGES
Summary: (Identical to 2015 SB571. Related to 2014 HB284 and 2015 HB192 and SB359) Provides that a physical therapist is a licensed health care provider conducting the practice of physical therapy and is fully responsible for managing all aspects of the physical therapy care of each patient served.
Status: 03/21/2015 – Passed in the Senate
History: 02/19/2015—H Introduced and referred to House Health.
02/19/2015—H Also referred to House Business & Employment.
03/09/2015—H Reported Do Pass by House Health.
03/12/2015—H Reported Do Pass as amended by House Business & Employment.
03/14/2015—H Opened for floor debate.
03/14/2015—H Passed 65-0.

03/17/2015—S Received in the Senate and referred to Senate Public Affairs.
03/19/2015—S Reported Do Pass by Senate Public Affairs.
03/21/2015—S Opened for floor debate.
03/21/2015—S Passed 38-0.

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.
Status: 03/20/2015 – Passed in the House
History: 01/29/2015—S Introduced and referred to Senate Public Affairs.
01/29/2015—S Also referred to Senate Judiciary.
02/16/2015—S Reported Do Pass as amended by Senate Public Affairs.
02/26/2015—S Reported Do Pass by Senate Judiciary.
03/02/2015—S Opened for floor debate.
03/02/2015—S Passed 41-0.
03/03/2015—H Received in the House and referred to House Health.
03/03/2015—H Also referred to House Judiciary.
03/12/2015—H Reported Do Pass by House Health.
03/20/2015—H Reported Do Pass by House Judiciary.
03/20/2015—H Opened for floor debate.
03/20/2015—H Passed 65-0.

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.
Status: 02/27/2015 – Senate Judiciary Committee
History: 01/29/2015—S Introduced and referred to Senate Public Affairs.
01/29/2015—S Also referred to Senate Judiciary.
02/27/2015—S Reported Do Pass as amended by Senate Public Affairs.

Bill: SB571
Sponsors: Shendo (D22)
Title: PHYSICAL THERAPY ACT CHANGES
Summary: Provides that a physical therapist is a licensed health care provider conducting the practice of physical therapy and is fully responsible for managing all aspects of the physical therapy care of each patient served.
Status: 03/20/2015 – Passed in the House
History: 02/16/2015—S Introduced and referred to Senate Public Affairs.

02/16/2015—S Also referred to Senate Corporations & Transportation.
03/06/2015—S Reported Do Pass as amended by Senate Public Affairs.
03/14/2015—S Reported Do Pass as amended by Senate Corporations & Transportation.
03/16/2015—S Opened for floor debate.
03/16/2015—S Passed 36-0.
03/17/2015—H Received in the House and referred to House Regulatory & Public Affairs.
03/19/2015—H Reported Do Pass by House Regulatory & Public Affairs.
03/20/2015—H Opened for floor debate.
03/20/2015—H Passed 66-0.

Bill: SB615
Sponsors: Sanchez, M. (D29)
Title: COLLABORATION BETWEEN PHYSICIAN AND PHYSICIAN ASSISTANT
Summary: Amends various sections of law to specify that a physician assistant shall practice in collaboration with a licensed physician.
Status: 03/20/2015 – Senate Judiciary Committee
History: 02/18/2015—S Introduced and referred to Senate Public Affairs.
02/18/2015—S Also referred to Senate Judiciary.
03/20/2015—S Reported Do Not Pass but Do Pass as substituted without recommendation by Senate Public Affairs.

REGULATIONS

Bill: SB220
Sponsors: Pirtle (R32)
Title: ESTABLISHED HEALTH CARE PROVIDER CREDENTIALING REQUIREMENTS
Summary: SJC substitute for SB220 maintains the intent of the original measure, but does so in a clearer, if less concise, fashion. Proposes new and amended sections of the Insurance Code, the Health Maintenance Organization Law and the Nonprofit Health Care Law to establish provider credentialing requirements and define “credentialing.”
Status: 03/20/2015 – Passed in the House
History: 01/26/2015—S Introduced and referred to Senate Corporations & Transportation.
01/26/2015—S Also referred to Senate Judiciary.
02/05/2015—S Reported Do Pass as amended by Senate Corporations & Transportation.
02/26/2015—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.
03/02/2015—S Opened for floor debate.
03/02/2015—S Floor amendments adopted (Amendment 1) (Sen. Cliff Pirtle) Voice Vote.
03/02/2015—S Passed 39-0.
03/03/2015—H Received in the House and referred to House Health.

03/03/2015—H Also referred to House Business & Employment.
03/12/2015—H Reported Do Pass by House Health.
03/19/2015—H Reported Do Pass by House Business & Employment.
03/20/2015—H Opened for floor debate.
03/20/2015—H Passed 64-0.

MEDICAID

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.
Status: 02/25/2015 – Senate Finance Committee
History: 01/27/2015—S Introduced and referred to Senate Public Affairs.
01/27/2015—S Also referred to Senate Finance.
02/25/2015—S Reported Do Pass as amended by Senate Public Affairs.

LIABILITY

Bill: HB395
Sponsors: Cook (R56)
Title: VENUE FOR WRONGFUL DEATH, MEDICAL MALPRACTICE CASES
Summary: (Related to 2011 HB274) Clarifies that when a personal representative files a wrongful death action, the residence of the person bringing the claim shall not be considered when determining venue in any civil action.
Status: 02/11/2015 – House Safety and Civil Affairs Committee
History: 02/11/2015—H Introduced and referred to House Safety & Civil Affairs.
02/11/2015—H Also referred to House Judiciary.

Bill: HB542
Sponsors: McMillan (R37)
Title: HEALTH CARE LIABILITY ACT
Summary: Proposes the Health Care Liability Act to limit damages in claims against certain health care providers.
Status: 03/05/2015 – House Judiciary Committee
History: 02/19/2015—H Introduced and referred to House Regulatory & Public Affairs.
02/19/2015—H Also referred to House Judiciary.
03/05/2015—H Reported Do Pass as amended by House Regulatory & Public Affairs.

CLINICAL ISSUES

Bill: HB369

Sponsors: Cook (R56)

Title: GENETIC ANALYSIS INFORMED CONSENT EXCEPTION

Summary: Existing statute prohibits genetic analysis on a person without first obtaining informed and written consent, with a number of exceptions. The bill adds another exception to consent, thereby authorizing a laboratory to conduct an analysis or test of a specified individual based on a written order from a health care practitioner (or agent).

Status: 03/20/2015 – Passed in the Senate

History: 02/09/2015—H Introduced and referred to House Health.

02/09/2015—H Also referred to House Judiciary.

02/26/2015—H Reported Do Pass by House Health.

03/04/2015—H Reported Do Pass by House Judiciary.

03/07/2015—H Opened for floor debate.

03/07/2015—H Passed 60-0.

03/12/2015—S Received in the Senate and referred to Senate Public Affairs.

03/12/2015—S Also referred to Senate Judiciary.

03/18/2015—S Reported Do Pass by Senate Public Affairs.

03/20/2015—S Opened for floor debate.

03/20/2015—S Passed 40-0.

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.

Status: 03/24/2015 – Signed by Officers of Senate

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.

02/06/2015—S Reported Do Pass by Senate Public Affairs.

02/20/2015—S Reported Do Pass by Senate Corporations & Transportation.

02/24/2015—S Opened for floor debate.

02/24/2015—S Passed 38-0.

02/26/2015—H Received in the House and referred to House Regulatory & Public Affairs.

02/26/2015—H Also referred to House Health.

03/13/2015—H Reported Do Pass by House Regulatory & Public Affairs.

03/17/2015—H Reported Do Pass by House Health.

03/18/2015—H Opened for floor debate.

03/18/2015—H Passed 52-0.

03/18/2015—S Received in the Senate (Enrolling & Engrossing Pending).

03/24/2015—S Enrolled and engrossed 03/21/15.
03/24/2015—S Signed by Officers of Senate 03/21/15.

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.
Status: 03/27/2015 – Signed by Officers of Senate
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.
02/11/2015—S Reported Do Not Pass but Do Pass as substituted by Senate Public Affairs.
03/02/2015—S Reported Do Pass as amended by Senate Judiciary.
03/03/2015—S Opened for floor debate.
03/03/2015—S Passed 39-0.
03/05/2015—H Received in the House and referred to House Health.
03/05/2015—H Also referred to House Judiciary.
03/12/2015—H Reported Do Pass by House Health.
03/18/2015—H Reported Do Pass by House Judiciary.
03/19/2015—H Opened for floor debate.
03/19/2015—H Passed 62-0.
03/20/2015—S Received in the Senate (Enrolling & Engrossing pending).
03/27/2015—S Enrolled and engrossed.
03/27/2015—S Signed by Officers of Senate.

INFORMATION AND 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.
Status: 03/18/2015 – House Judiciary Committee
History: 01/27/2015—S Introduced and referred to Senate Public Affairs.
01/27/2015—S Also referred to Senate Corporations & Transportation.
03/04/2015—S Reported Do Pass by Senate Public Affairs.
03/14/2015—S Reported Do Not Pass but Do Pass as substituted by Senate Corporations & Transportation.
03/18/2015—S Opened for floor debate.
03/18/2015—S Passed 38-0.
03/18/2015—H Received in the House and referred to House Judiciary.

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.
Status: 03/20/2015 – Signed by Officers of House
History: 01/27/2015—S Introduced and referred to Senate Public Affairs.
01/27/2015—S Also referred to Senate Judiciary.
02/20/2015—S Reported Do Pass as amended by Senate Public Affairs.
03/05/2015—S Reported Do Not Pass but Do Pass as substituted by Senate Judiciary.
03/06/2015—S Opened for floor debate.
03/06/2015—S Passed 26-0.
03/07/2015—H Received in the House and referred to House Health.
03/17/2015—H Reported Do Pass by House Health.
03/18/2015—H Opened for floor debate.
03/18/2015—H Passed 52-0.
03/18/2015—S Received in the Senate (Enrolling & Engrossing pending).
03/20/2015—S Enrolled and engrossed.
03/20/2015—S Signed by Officers of Senate.
03/20/2015—H Signed by Officers of House.

Bill: SB474
Sponsors: Ortiz y Pino (D12)
Title: SAFE DISCLOSURE OF HEALTH INFORMATION
Summary: (Virtually identical to SB323) 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.
Status: 03/20/2015 – Signed by Officers of House
History: 02/05/2015—S Introduced and referred to Senate Public Affairs.
02/05/2015—S Also referred to Senate Judiciary.
02/20/2015—S Reported Do Pass as amended by Senate Public Affairs.
03/05/2015—S Substituted in Senate Judiciary by SB323.
03/05/2015—S Note: see SB323 for succeeding entries.
03/20/2015—H Signed by Officers of House.