

# **New Mexico Medical Society**

## **2017 Legislature - Final Report**

### **March 21, 2017**

[Week 9 and Final NMMS legislative report](#) is available to download and review.

An incredibly intense session came to an end at noon on March 18. As expected, there were some lows, some highs, some disappointments, and some joys. Much of the legislative process is about finding compromises opposing parties can agree to; so much of it is "gray." The black and white is reflected in great bills timing out, dying on adjournment.

#### **Taxes**

First, a special thanks to all of you and your practices for sending letters and calling legislators on the impact proposed tax changes would have had. The hard data you sent to NMMS was invaluable in making the case for an allowance to keep medical deductions and thereby protect access to health care.

The good news is, none of the tax bills that passed impacted physicians. The bad news is, a special session is expected to be called to focus on budget and tax matters.

HB 412 removed all special tax deductions, including those relieving physicians from historically low reimbursement rates and the inability to pass GRT through to insurance or patients. The good news is HB 412 died on adjournment.

NMMS successfully removed physicians from both HB 202 and HB 191, preventing imposition of higher taxes on medical professionals. The media reports that neither bill is expected to be signed by the Governor.

If you want a glimpse into how convoluted some of these bills were, look the history of HB 191 on page 3 of the final legislative report. On the last Thursday of the session, HB 191 was amended and passed by Senate Finance, and then immediately put on the Senate floor where it was further amended before being passed 36-5. On Friday, the House refused to concur with the Senate amendments and the Senate failed to recede from their amendments. Conference committees were appointed by both House and Senate, the reports of which were adopted. Incredulously, this bill now sits on the Governor's desk.

#### **Scope of Practice**

SOP had it all this time. Compromises were reached with prescribing psychologists (SB 90) and physician assistants (HB 215) so that their bills retained measures to protect patients and

physicians. Early on, SB 150, allowing chiropractors to be primary care physicians, and HB 232, expanding holistic integrative medicine, were defeated in committee. HB 364, limiting examining, prescribing and dispensing powers for contact lenses and glasses, was successful is on the Governor's desk. And unfortunately, despite extraordinary efforts, the Scope of Practice Act (SB 145) made it through the Senate but died on the House calendar. A bitter disappointment, this.

### **Non-Compete**

SB 82, the venue fix to the 2015 non-compete bill (SB 325) was passed unanimously by the House, on the last day of the session. **Please call the Governor at (505) 476-2200 and ask that she sign SB 82.**

### **Licensing**

SB 68, which created a public website for all medical and osteopathic licensing information, was defeated very early in the session due to the outpouring of objection by members. SJM 28, which required such a website to be studied, died on adjournment as did both SB 463 and SM 133, regarding merging the medical and osteopathic boards. SB 240 passed, creating a physician excellence fund and dedicating monies to loan repayment and impaired physicians. If HB 299 is signed by the Governor, the Department of Health will promulgate rules allowing registered lay midwives to administer a limited formulary of drugs.

### **Clinical**

SB 318 passed, amending the Clean Indoor Air Act to include the smoking of e-cigarettes, thereby prohibiting e-smoking in public or work places. **Please call the Governor at (505) 476-2200 and ask that she sign SB 318.** SB 80, requiring Department of Health to develop and implement ST segment elevation myocardial infarction triage and transport plans, was passed by both chambers and awaits the Governor's signature. HB 171, End of Life Options - also referred to as physician assisted suicide - died on adjournment as did the Right to Try Act (HB 228) which would have allowed eligible patients to request treatment with "investigational" drugs. However, HB 260 which authorizes a pharmacist to dispense an equivalent, lower cost, biologically similar product unless otherwise requested by the prescriber or patient is awaiting the Governor's signature. The requirement to counsel patients on the risks of overdose and about overdose reversal medication (SB 16) died on adjournment. Three new requirements - HB 274 (offering of influenza or pneumococcal immunizations to senior citizens mandatory upon release from a hospital), SB 21 (requiring training to prevent shaken baby syndrome before initial discharge of the newborn), and HB 243 (requiring health facilities that perform mammograms to include information as to a patient's individual breast density) passed unanimously and await the signature of the Governor.

## **Insurance**

Attempts to disband the Medical Insurance Pool (SB 469 and HB 316) were defeated. SB 217, clarifying the definition of Medicaid fraud, passed. Mandated insurance coverage for artery calcification screening (HB 11) died on adjournment. HB 127, which requires insurers to pay claims by electronic transfer if requested, has been signed by the Governor.

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The Governor has 20 days after the session to sign a bill into law - that means everything not signed by April 7th is pocket vetoed. Another NMMS report will be forthcoming after that date but until then, thank you again for your help and involvement during this long session.