

New Mexico Medical Society

2018 Legislative Report

January 23, 2018

New Mexico Medical Society Legislative Report -#1

The 2018 New Mexico Legislative Session began January 16th and will conclude February 15th at noon. The New Mexico Medical Society will be working in Santa Fe on many issues this 30-day session, Governor Susana Martinez' last session. New Mexico will elect a new Governor in November 2018, under which many NMMS priority issues will be addressed in 2019.

This year, NMMS will not pursue legislation to correct the many concerns with the New Mexico Medical Malpractice Act, including the limit of liability, funding for Medical Review Commission, definition of corporation, and prohibiting non-admitted carriers. Neither will "surprise billing" legislation be pursued this session but will continue to be studied in the interim before 2019 as will an increase in Medicaid rates for physicians to undo the 2016 reductions in payments.

NMMS will closely follow the many tax reform measures to mind that the tax deductions for Gross Receipts for Medicare and Managed Care are not repealed. NMMS opposed these repeals last year as they would be devastating to private practitioners, eliminating any slight profit margin. NMMS will also follow the appropriation for Medicaid funding to guard there are no further reductions to physician payment rates.

To be germane in a 30-day session, bills are limited to financial/tax issues or are on the "Governor's call," whereby she has asked that those specific bills be on the agenda. Most bills introduced at this point are in Rules or in the Committee on Committee awaiting a message from the Governor.

New Mexico Medical Society Priority Issues:

Bill: HM14
Sponsors: Armstrong, D. (D17)
Title: CONVENE A PEDIATRIC SPECIALTY CARE TASK FORCE
Summary: Resolves that the New Mexico Pediatric Society be requested to convene a "pediatric specialty care task force" to examine availability of pediatric specialty services in the state and make recommendations for improving the system of medical care for children.
Status: 01/22/2018 – House Health and Human Services Committee

Bill: HM20
Sponsors: Armstrong, D. (D17)
Title: INDIVIDUAL HEALTH INSURANCE MARKET STABILITY TASK FORCE
Summary: Requests the Superintendent of Insurance to convene an Individual Health Insurance Market Stability Task Force to research options to stability the market and increase enrollment in high-quality, affordable health coverage; requests Legislative Council to charge the Legislative Health and Human Services Committee to receive testimony from the task force and consumers, insurers, state agencies and other stakeholders during the 2018 interim.
Status: 01/22/2018 – House Health and Human Services Committee

Bill: **HB42**
Sponsors: Thomson (D24)
Title: GUIDELINES FOR STEP THERAPY FOR PRESCRIPTION DRUG COVERAGE
Summary: (Duplication of HB42; very similar to 2017 SB179, HB 244) Identically amends several state laws governing health insurance to establish guidelines for step therapy for prescription drug coverage, as listed below:
Status: 01/16/2018 – House Rules and Order of Business Committee

Bill: **SB11**
Sponsors: Kernan (R42)
Title: GUIDELINES FOR STEP THERAPY FOR PRESCRIPTION DRUG COVERAGE
Summary: (Very similar to 2017 SB179, HB 244) Identically amends several state laws governing health insurance to establish guidelines for step therapy for prescription drug coverage, as listed below:
Status: 01/16/2018 – Senate Committee on Committees

New Mexico Medical Society Bills of Interest:

Bill: **SB1**
Sponsors: Ingle (R27)
Title: NURSE LICENSURE COMPACT
Summary: (For the Legislative Health and Human Services Committee) A 38-page bill called the Nurse Licensure Compact whose provisions would apply to all licensed nurses who practice in the states or jurisdictions who become parties to the compact. The updated compact addresses the expanded mobility and new practice modalities in the nursing profession by providing for uniformity of nurse licensure requirements. Provides for exchange of information between party states; and provides opportunities for interstate practice by nurses who meet the uniform licensure requirements while still holding a nurse accountable for meeting practice laws in the home state.
History: 01/16/2018—S Introduced and referred to Senate Committee on Committees.
01/16/2018—S Also referred to Senate Judiciary.
01/16/2018—S Reported germane by Senate Committee on Committees.
01/17/2018—S Reported Do Pass as amended by Senate Judiciary.
01/17/2018—S Opened for floor debate.
01/17/2018—S Floor amendments adopted (Amendment 1) (Sen. Gay Kernan) Voice Vote 34-6.
01/17/2018—S Passed 39-0.
01/17/2018—H Received in the House and referred to House Health & Human Services.
01/18/2018—H Reported Do Pass by House Health & Human Services.
01/18/2018—H Opened for floor debate.
01/18/2018—H Passed (68-0).
01/18/2018—S Enrolled and engrossed.
01/18/2018—S Signed by Officers of Senate.
01/18/2018—H Signed by Officers of House.
01/18/2018- Signed by the Governor

Senate Bill 1 repeals the original Nurse Licensure Compact (NLC) as provider for in Section 324.1 NMSA 1978 and replaces it with the Enhanced Nurse Licensure Compact (ENLC). Enactment would allow multistate licensure reciprocity for registered nurses, licensed practical nurses, and vocational nurses. Without the compact, nurse licensure would be required separately in each state in which the nurse chooses to practice. The new ENLC makes eligibility and licensure requirements more uniform across the states, adds new grandfathering provisions, provides states the authority to obtain and submit criminal background checks, establishes an interstate commission as a public agency with rule

making authority, changes the dispute resolution process, and allows for termination of a state from the ENLC

When 26 states passed the compact into law in July 2017, ENLC became effective, causing the commission overseeing the compact to set the implementation date of the ENLC for January 19th, 2018. Starting on the date of implementation, most out-of-state nurses would not be permitted to work in New Mexico unless their home state is still a member of the original NLC (Colorado and Rhode Island). This could cause nursing shortages in New Mexico and could impact telemedicine from out-of-state providers. Additionally, according to the National Council of State Boards of Nursing, the compact's author, if New Mexico had not passed ENLC into law by the implementation date, New Mexico nurses would not be grandfathered into ENLC and would have to seek new multistate licenses.

[Read SB1 Fiscal Impact Report here.](#)

Bill: HB44
Sponsors: Thomson (D24)
Title: INSURANCE: TIME LIMIT ON RECOUPING HEALTH PROVIDER CLAIMS
Summary: (For the Legislative Health and Human Services Committee) Imposes a 12-month period after the date an insurance claim is made to seek to recoup payment of provider claims. Applies to group health plans, medical assistance, health insurance contracts, HMOs and nonprofit health care plans. (NMLR Note: Sections 3 and 4 of the bill appear to be identical, with the exception of one referring to Article 22 and the other to a nonexistent Article 23 of the code.)
History: 01/16/2018—H Introduced and referred to House Rules & Order of Business.

Bill: SB10
Sponsors: Kernan (R42)
Title: HEALTH PROFESSIONAL LOAN REPAYMENTS THROUGH PHYSICIAN FEES
Summary: (For the Legislative Health and Human Services Committee) (Essentially identical to 2017 SB152) Establishes a Physician Excellence Fund and authorizes the Higher Education Department to apply appropriated funds for health professional loan repayment assistance for licensed primary care physicians trained in family medicine, general internal medicine, obstetrics, gynecology or general pediatrics, who practice in designated underserved areas.
History: 01/16/2018—S Introduced and referred to Senate Committee on Committees.
01/16/2018—S Also referred to Senate Public Affairs.
01/16/2018—S Also referred to Senate Finance.
01/18/2018—S Reported germane by Senate Committee on Committees.
NOTE: **Sponsor will re-introduce in 2019.**

Bill: SB49
Sponsors: Sharer (R1)
Title: TAX REFORM PACKAGE
Summary: (Similar to 2017 SB123, 2016 SB145, 2015 SB346 and 2013 SB365) 186-page bill continues the sponsor's effort to reform the state tax system by greatly expanding the gross receipts base to replace the motor vehicle excise, leased vehicle gross receipts and boat excise taxes (which are repealed); lower the state gross receipts tax rate from 5.125% to one percent and governmental gross receipts from five to one percent; provides for a flat-rate personal income tax; repeals the compensating tax, corporate income tax, corporate franchise tax, estate tax and several tax credits; consolidates local option taxes, reducing their maximum permissible rates to 0.5% for municipalities and 0.5% for counties; revises statutes dealing with revenues local governments may pledge to repay indebtedness. All this is effective January 1, 2019.

History: 01/17/2018—S Introduced and referred to Senate Committee on Committees.
01/17/2018—S Also referred to Senate Corporations & Transportation.
01/17/2018—S Also referred to Senate Finance.
01/18/2018—S Reported germane by Senate Committee on Committees.

Bill: **SB128**
Sponsors: Cisneros (D6)
Title: RELEASE OF TAX INFORMATION: TAX CREDITS, EXEMPTIONS AND DEDUCTION
Summary: (Duplicate of SB68) Allows tax return information related to specified deductions and tax credits to be disclosed to an economist, at the economist's written request, who works for the Department of Finance and Administration or the Legislative Finance Committee for the purpose of tracking, forecasting and analyzing tax revenue. Binds the economist receiving the information to statutory penalties for revealing the information to an unauthorized person. Also narrows several tax exemptions.
History: 01/22/2018—S Introduced and referred to Senate Committee on Committees.
01/22/2018—S Also referred to Senate Corporations & Transportation.
01/22/2018—S Also referred to Senate Finance.

Bill: **SM3**
Sponsors: Ortiz y Pino (D12)
Title: MEDICAID BUY-IN PLAN LEGISLATIVE STUDY
Summary: Requests the Legislative Council to charge the Legislative Health and Human Services Committee with exploring policy and fiscal implications of offering a Medicaid Buy-In Plan to New Mexico residents in order to increase low-cost health care coverage options. Also requests the Office of Superintendent of Insurance, the Human Services Department and other health-related agencies and entities to provide health plan cost and coverage information to the LHHSC. Already several states, including Nevada and Massachusetts, have introduced legislation or initiated studies to explore such an option.
History: 01/16/2018—S Introduced and referred to Senate Rules.
01/16/2018—S Also referred to Senate Public Affairs.

The legislature meets in the Capitol Roundhouse on the corner of Old Santa Fe Trail and Paseo de Peralta in Santa Fe. The switchboard number is (505) 986-4300 and the website is <http://www.nmlegis.gov>

Locate and Contact Your Legislator https://www.nmlegis.gov/Members/Find_My_Legislator

Find a Bill https://www.nmlegis.gov/Legislation/Bill_Finder

Webcasting at the Roundhouse <http://sg001-harmony.sliq.net/00293/harmony>

Standing Committees https://www.nmlegis.gov/Committee/Standing_Committees

New Mexico Medical Society will keep members updated on legislative progress weekly via email. If you have questions, please contact the office at (505) 828-0237 or Randy Marshall directly at (505) 263-4912 or email info@nmms.org.

Thank you for your support and partnership as we work to protect the practice of medicine.

William Liakos Jr. MD, NMMS President 2017-2018

