

New Mexico Medical Society

Legislative Report

February 15, 2018

The legislative session ended today with a flurry of the cooperation that has marked this oddly slow-paced conclave. The Governor's has until March 7th to decide which bills to sign from the last session of her administration.

After many conferences, disagreements, and amendments, SB11, establishing guidelines for step=therapy for prescription drug coverage, was passed on Tuesday. The final bill may be read at https://www.nmlegis.gov/Sessions/18%20Regular/Amendments_In_Context/SB0011.pdf. NMMS believes this legislation balances the needs of the managed care plans and treating physician by allowing an expedited appeals process for the physician and patient to request an exception to an insurer's step therapy protocol. Though cost-containment requirements are important, they may not be clinically appropriate care for all patients and this bill creates guidelines to allow and protect the exceptions.

Also passed was the Pediatric Society's memorial (HM14) which has them convene a pediatric specialty care task force to examine availability and make recommendations to improve the system of medical care for children in New Mexico.

HB2, the General Appropriation Act of 2018, was passed on the 14th after both the Senate and the House adopted the conference committee report. Included in HB2 is an appropriation of \$500,000 plus federal match for the Human Services Department which will be used to increase primary care providers payments starting July 1, 2018. The legislature was not concerned about the financial crisis this year as it was in the past two when it slashed budgets for Universities, Medicaid, and repealed gross receipts deductions. The \$6.3 billion state budget was developed and approved in bipartisan manner and the resulted in increased money for public safety and crime fighting, increased pay for state workers, state judges, elected district attorneys and public defenders. Public school teachers also received a pay raise as did non-teacher school employees. The budget also included more than \$30 million to remediate a brine well sinkhole in the city of Carlsbad.

All in all, though a bit modest, it was a successful session for the state's medical community. 2019 is expected to be the barnburner with action on the Medical Malpractice Act, surprise billing, a tax overhaul, and doubtless other major issues will be wrangled under the eye of a new Governor. Other bills of interest are included in the summary below.

NMMS PRIORITIES

Bill: **HB2**
Sponsors: Lundstrom (D9)
Title: GENERAL APPROPRIATION ACT OF 2018
Summary: This represents a shell for a more comprehensive bill that will emerge later in the legislative session. Cited as the General Appropriation Act of 2018, authorizes funding to various state agencies from the General Fund, Internal Services and Transfers, Other State Funds and Federal Funds in FY 2019 as follows:
History: 01/16/2018—H Introduced and referred to House Appropriations & Finance.
01/30/2018—H Reported Do Not Pass but Do Pass as substituted by House Appropriations & Finance.
01/31/2018—H Opened for floor debate.
01/31/2018—H Passed 65-3.
01/31/2018—S Received in the Senate and referred to Senate Finance.
02/12/2018—S Reported Do Pass as amended by Senate Finance.
02/13/2018—S Opened for floor debate.
02/13/2018—S Floor amendments failed (Amendment 1) (Sen. Gerald Ortiz y Pino) Voice Vote.
02/13/2018—S Note: Ruling of the Chair upheld by roll call vote, 31-11.
02/13/2018—S Floor amendments failed (Amendment 1) (Sen. Craig Brandt), 9-31.
02/13/2018—S Passed 40-2.
02/13/2018—H House refused to concur with Senate amendments.
02/13/2018—S Senate failed to recede from amendments.
02/13/2018—S Note: Conference Committee: Senators Smith, Cisneros, Neville.
02/14/2018—H Note: Conference Committee Appointed: Rep. Lundstrom, Rep. Dodge, Rep. Larranaga.
02/14/2018—S Senate adopted conference committee report.
02/14/2018—H House adopted conference committee report.
02/14/2018—H Note: Conference committee report adopted by roll-call vote: 52 - 13.

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.
History: 01/22/2018—H Introduced and referred to House Health & Human Services.
02/07/2018—H Reported Do Pass by House Health & Human Services.
02/10/2018—H Passed 66-0.

Bill: **HM20**
Sponsors: Thomson (D24)
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.
History: 01/22/2018—H Introduced and referred to House Health & Human Services.
02/07/2018—H Reported Do Pass by House Health & Human Services.

Bill: **SB11**
Sponsors: Kernan (R42); Youngblood (R68)
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:
History: 01/16/2018—S Introduced and referred to Senate Committee's Committee.

01/16/2018—S Also referred to Senate Public Affairs.
01/16/2018—S Also referred to Senate Corporations & Transportation.
01/25/2018—S Reported germane by Senate Committee's Committee.
01/31/2018—S Reported Do Not Pass but Do Pass as substituted by Senate Public Affairs.
02/06/2018—S Reported Do Not Pass but Do Pass as substituted by Senate Corporations & Transportation.
02/07/2018—S Opened for floor debate.
02/07/2018—S Passed 39-0.
02/07/2018—H Received in the House and referred to House Business & Industry.
02/08/2018—H Referral withdrawn from House Business & Industry.
02/08/2018—H Referred to House Health & Human Services.
02/09/2018—H Reported Do Pass by House Health & Human Services.
02/12/2018—H Opened for floor debate.
02/12/2018—H Floor amendments adopted (Amendment 1) (Rep. Elizabeth Thomson) Voice Vote.
02/12/2018—H Passed 67-0.
02/13/2018—S Senate concurred with House amendments.

Cannabis

Bill: HM67
Sponsors: Ferrary (D37)
Title: STUDY MEDICAL CANNABIS FOR OPIOID USE DISORDERS
Summary: Requests the Secretary of Health to add opioid use disorder as a qualifying condition in DOH rules so individuals living with opioid use disorders may be eligible to participate in the Lynn and Erin Compassionate Use Act Medical Cannabis Program; and requests Legislative Council to charge the Legislative Health and Human Services Committee with hearing expert testimony on medical cannabis as an alternative to opioids in acute and chronic pain management, and prevention and treatment of opioid use disorders.
History: 01/30/2018—H Introduced and referred to House Health & Human Services.
02/09/2018—H Reported Do Pass by House Health & Human Services.
02/13/2018—H Passed 65-0.

Bill: SM55
Sponsors: Steinborn (D36)
Title: OPIOID USE DISORDER
Summary: Cites the national problem with opioid use, that a growing body of research indicates that medical cannabis may be safe alternative for pain management and that in the first session of its 53rd Legislature the Legislature passed a bill that would have added opioid use disorder to the list of qualifying conditions.
History: 01/29/2018—S Introduced and referred to Senate Rules.
01/29/2018—S Also referred to Senate Public Affairs.
02/12/2018—S Reported Do Pass by Senate Rules.
02/14/2018—S Reported Do Pass by Senate Public Affairs.
02/15/2018—S Opened for floor debate.
02/15/2018—S Passed 36-1.

Clinical Issues & Education

Bill: HM8
Sponsors: Armstrong, D. (D17)
Title: ESTABLISH MOVEMENT DISORDERS CENTER AT UNM
Summary: (Duplicate of 2018 SM4) Requests the UNM board of regents to establish a Movement Disorders Center to provide curriculum to train medical trainees in movement disorders and to provide treatment for those afflicted with movement disorders: Parkinson's disease, essential tremor and other tremor disorders, Tourette syndrome, Huntington's disease, dystonia, restless legs syndrome and ataxia.

History: 01/16/2018—H Introduced and referred to House Health & Human Services.
01/25/2018—H Reported Do Pass by House Health & Human Services.
01/30/2018—H Opened for floor debate.
01/30/2018—H Passed 49-0.
02/07/2018—H Enrolled and engrossed.
02/07/2018—H Signed by Officers of House.

Bill: **SB136**
Sponsors: Ivey-Soto (D15)
Title: NURSING COMPACT SUBJECT TO STATE RULES ACT AND PUBLIC RECORDS ACT
Summary: (Related to 2018 SB1) Amends the Nursing Practices Act to provide that no rule adopted by the Interstate Commission of Nurse Licensure Compact Administrators that affects nursing practice in New Mexico shall be effective unless adopted as an administrative rule by the Board of Nursing under the State Rules Act. Requires all agenda, minutes, reports and rulemaking records of the Commission to be filed by the State Compact Administrator with the Board subject to the Inspection of Public Records Act.
History: 01/22/2018—S Introduced and referred to Senate Committee's Committee.
01/22/2018—S Also referred to Senate Public Affairs.
01/22/2018—S Also referred to Senate Judiciary.
01/23/2018—S Reported germane by Senate Committee's Committee.
01/24/2018—S Reported Do Pass by Senate Public Affairs.
01/29/2018—S Reported Do Pass by Senate Judiciary.
02/02/2018—S Opened for floor debate.
02/02/2018—S Passed 31-1.
02/05/2018—H Received in the House and referred to House Health & Human Services.
02/05/2018—H Also referred to House Judiciary.
02/09/2018—H Reported Do Pass by House Health & Human Services.
02/12/2018—H Reported Do Pass by House Judiciary.
02/14/2018—H Opened for floor debate.
02/14/2018—H Passed 62-0.

Bill: **SB145**
Sponsors: Munoz (D4)
Title: HEALTH INFORMATION INTEROPERABILITY FUND
Summary: (Related to 2018 SB144) Creates the Health Information Interoperability Fund, administered by the Human Services Department, HSD, to maintain statewide health information systems interoperability among private and public entities. The fund consists of appropriations, transfers, federal funds, gifts, grants, donations and bequests. The bill does not contain a dollar appropriation. (Related SB144 contains a \$100,000 GF appropriation.)
History: 01/23/2018—S Introduced and referred to Senate Committee's Committee.
01/23/2018—S Also referred to Senate Public Affairs.
01/23/2018—S Also referred to Senate Finance.
01/24/2018—S Reported germane by Senate Committee's Committee.
01/31/2018—S Reported Do Pass by Senate Public Affairs.
02/08/2018—S Reported Do Pass as amended by Senate Finance.
02/13/2018—S Opened for floor debate.
02/13/2018—S Passed 28-8.
02/13/2018—H Received in the House and referred to House Health & Human Services.
02/14/2018—H Reported Do Pass by House Health & Human Services.
02/15/2018—H Opened for floor debate.
02/15/2018—H Passed 64-0.

Bill: **SJM15**
Sponsors: Campos, P. (D8)
Title: STUDY EFFICACY OF NAPRAPATHIC MEDICINE
Summary: Requests the Department of Health to conduct a study of the efficacy of naprapathic medicine in acute and chronic pain management, and present its study to the Legislative Health and Human Services Committee by December 1, 2018.
History: 01/25/2018—S Introduced and referred to Senate Rules.
01/25/2018—S Also referred to Senate Public Affairs.

02/05/2018—S Reported Do Pass by Senate Rules.
02/09/2018—S Reported Do Pass by Senate Public Affairs.
02/10/2018—S Opened for floor debate.
02/10/2018—S Passed 38-0.
02/10/2018—H Received in the House and referred to House Health & Human Services.
02/12/2018—H Reported Do Pass by House Health & Human Services.
02/13/2018—H Passed 57-9.

Bill: SM4
Sponsors: Ortiz y Pino (D12)
Title: UNM STUDY TO ESTABLISH MOVEMENT DISORDERS CENTER
Summary: Requests the UNM board of regents to establish a Movement Disorders Center to provide curriculum to train medical trainees in movement disorders and to provide treatment for those afflicted with movement disorders: Parkinson's disease, essential tremor and other tremor disorders, Tourette syndrome, Huntington's disease, dystonia, restless legs syndrome and ataxia.
History: 01/16/2018—S Introduced and referred to Senate Rules.
01/16/2018—S Also referred to Senate Public Affairs.
01/29/2018—S Reported Do Pass by Senate Rules.
01/31/2018—S Reported Do Pass by Senate Public Affairs.
02/01/2018—S Opened for floor debate.
02/01/2018—S Passed 34-0.
02/03/2018—S Enrolled and engrossed.
02/03/2018—S Signed by Officers of Senate.

Insurance & Payments

Bill: SB192
Sponsors: Ortiz y Pino (D12)
Title: HEALTH CARE QUALITY SURCHARGE
Summary: Places a health care quality surcharge, to be calculated annually by the Human Services Department on each non-Medicare bed day. Revenue flows to the Health Care Facility Fund and Disability Health Care Facility Fund established by this act to support skilled nursing facilities, intermediate care facilities and intermediate care facilities for individuals with intellectual disabilities.
History: 01/25/2018—S Introduced and referred to Senate Committee's Committee.
01/25/2018—S Also referred to Senate Public Affairs.
01/25/2018—S Also referred to Senate Finance.
01/26/2018—S Reported germane by Senate Committee's Committee.
01/31/2018—S Reported Do Pass by Senate Public Affairs.
02/07/2018—S Reported Do Pass as amended by Senate Finance.
02/08/2018—S Opened for floor debate.
02/08/2018—S Passed 37-0.
02/09/2018—H Received in the House and referred to House Health & Human Services.
02/09/2018—H Also referred to House Taxation & Revenue.
02/09/2018—H Referral withdrawn from House Health & Human Services.
02/09/2018—H Referral withdrawn from House Taxation & Revenue.
02/09/2018—H Referred to House Appropriations & Finance.
02/12/2018—H Reported Do Pass by House Appropriations & Finance.
02/14/2018—H Opened for floor debate.
02/14/2018—H Passed 63-0.

Medicaid

Bill: HM9
Sponsors: Armstrong, D. (D17)
Title: EXPLORE MEDICAID BUY-IN PLAN FOR NEW MEXICANS
Summary: To resolve remaining issues with New Mexicans who have no or inadequate health insurance, proposes a study of offering residents an opportunity to buy into a health coverage plan administered by Medicaid by applying for a federal innovation waiver.

History: 01/16/2018—H Introduced and referred to House Health & Human Services.
01/30/2018—H Reported Do Pass by House Health & Human Services.
02/05/2018—H Opened for floor debate.
02/05/2018—H Passed 42-22.
02/12/2018—H Enrolled and engrossed.

Bill: **SB2**
Sponsors: Papen (D38)
Title: MEDICAID PROVIDER AND MANAGED CARE ACT
Summary: Senate floor substitute for SB2 retains the intent and most of the text of the original. It changes the name of the act to the Medicaid Provider and Managed Care Act, consistent with references throughout, for clarity, to Medicaid providers, managed care organizations and subcontractors.
History: 01/16/2018—S Introduced and referred to Senate Committee's Committee.
01/16/2018—S Also referred to Senate Judiciary.
01/16/2018—S Also referred to Senate Finance.
01/26/2018—S Reported germane by Senate Committee's Committee.
01/30/2018—S Reported Do Pass by Senate Judiciary.
02/10/2018—S Committee referrals changed.
02/10/2018—S Referral withdrawn from Senate Finance.
02/13/2018—S Opened for floor debate.
02/13/2018—S Floor substitute adopted (Substitute 1) (Sen. Mary Papen).
02/13/2018—S Passed 34-0.
02/13/2018—H Received in the House and referred to House Health & Human Services.
02/14/2018—H Reported Do Pass by House Health & Human Services.
02/14/2018—H Opened for floor debate.
02/14/2018—H Passed 65-0.

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.
01/29/2018—S Reported Do Pass by Senate Rules.
02/03/2018—S Reported Do Pass by Senate Public Affairs.
02/07/2018—S Opened for floor debate.
02/07/2018—S Passed 33-8.
02/08/2018—S Enrolled and engrossed.
02/08/2018—S Signed by Officers of Senate.

Regulations/Licensing/Legislative Committees

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's Committee.

01/16/2018—S Also referred to Senate Judiciary.
01/16/2018—S Reported germane by Senate Committee's Committee.
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—G Signed by the Governor (Laws 2018, Ch. 1).

Bill: SB29
Sponsors: Brandt (R40)
Title: OVERDOSE PREVENTION AND PAIN MANAGEMENT COUNCIL
Summary: Revises the name, structure and duties of the agency to the Overdose Prevention and Pain Management Advisory Council (currently called the Prescription Drug Misuse and Overdose Prevention and Pain Management Advisory Council); adds to members to the Council; and clarifies its duties.
History: 01/16/2018—S Introduced and referred to Senate Committee's Committee.
01/16/2018—S Also referred to Senate Public Affairs.
01/16/2018—S Also referred to Senate Judiciary.
01/25/2018—S Reported germane by Senate Committee's Committee.
01/31/2018—S Reported Do Pass by Senate Public Affairs.
02/03/2018—S Reported Do Pass by Senate Judiciary.
02/05/2018—S Passed 37-0.
02/07/2018—H Received in the House and referred to House Health & Human Services.
02/07/2018—H Also referred to House Judiciary.
02/09/2018—H Reported Do Pass by House Health & Human Services.
02/09/2018—H Referral withdrawn from House Judiciary.
02/12/2018—H Opened for floor debate.
02/12/2018—H Passed 66-0.
02/14/2018—S Enrolled and engrossed.
02/14/2018—S Signed by Officers of Senate.
02/15/2018—H Enrolled and engrossed.
02/15/2018—H Signed by Officers of House.

Taxes & Money Matters

Bill: HB194
Sponsors: Harper (R57); Sanchez, C. (D30)
Title: ALTERNATIVE EVIDENCE TO SUPPORT GROSS RECEIPTS DEDUCTIONS
Summary: (For the Revenue Stabilization and Tax Policy Committee; included in 2017 HB412) Allows alternative evidence to be submitted in lieu of a nontaxable transaction certification to support claim of any gross receipts deduction (with one exception). A properly executed nontaxable transaction certificate (NTTC), however, remains conclusive evidence of entitlement to a deduction.
History: 01/24/2018—H Introduced and referred to House Taxation & Revenue.
01/31/2018—H Reported Do Not Pass but Do Pass as substituted by House Taxation & Revenue.
02/05/2018—H Opened for floor debate.
02/05/2018—H Passed 67-0.
02/06/2018—S Received in the Senate and referred to Senate Corporations & Transportation.
02/06/2018—S Also referred to Senate Finance.
02/10/2018—S Reported Do Pass by Senate Corporations & Transportation.
02/13/2018—S Reported Do Pass by Senate Finance.
02/14/2018—S Opened for floor debate.
02/14/2018—S Passed 38-0.