



New Mexico Medical Society 2019 Legislative Wrap Up March 21, 2019

What a wild, 60-day, bob-sled ride through the Sangre de Cristos! NMMS started off with a very full plate – Medicaid fee increases, prior authorization, surprise billing, ultrasound prior authorization, visiting sports physicians, gross receipts tax deductions, several e-cigarette bills, and multiple studies and memorials – and then thrown a curve ball on the last day of introductions, HB 629 which would have turned the Medical Malpractice Act upside down. Besides the obvious problem of there being no discussions or agreements between the doctors and the trial lawyers about the bill prior to its introduction, the bill would have increased an individual physician’s liability from \$600,000 to \$2,000,000 and a hospital’s and medical corporation (basically all medical practices) to \$25,000,000. In response, physicians, their staffs, and patients across the state bombarded lawmakers with 800++ letters and calls asking for the defeat of the bill so harmful to the practice and provision of medicine. The bill made it to one committee, House Consumer and Publics Affairs, and passed along party lines, despite the (time-limited) testimony from many physician leaders and hospital CEOs. NMMS introduced SM 108, a Memorial to study the Malpractice Act with a complete and independent actuarial report. The letters and calls continued to pour in. Realizing how high the stakes were, Governor Lujan-Grisham met with NMMS, Presbyterian, Lovelace, and physician leaders, as well as with trial lawyers who all agreed to pull the bill from the legislative debate and work together to modernize the Medical Malpractice Act over the next year or so. HB 629 was tabled as was NMMS’ SM 108.

After solving the unexpected, NMMS got back down to business with the intended series of legislation.

Included in the Human Services Department budget are funds for a fee increase for Medicaid primary care services. No details are known yet on how or what this will look like, but this was a priority not only for NMMS but for HSD Secretary David Scrase MD and Governor Lujan-Grisham.

After compromise with NMMS, Presbyterian Health Plan assisted in re-drafting the legislation which brought BCBSNM on board with two committee substitutes, and the Superintendent of Insurance' participation with amendments, the Prior Authorization Act (cs/SB 188) sponsored by Senator Gay Kernan and Senator Liz Stefanics received all unanimous votes and awaits the action of the Governor.

Three surprise billing protection acts were introduced which, after much heated debate, resulted in an agreement to 60th percentile of allowable commercial charges utilizing an independent, not-for-profit data source with a floor of 150% of Medicare. After receiving all unanimous votes, cs/SB 337 awaits the Governor's action.

Other bills had a much easier time making it through committees, receiving all unanimous votes were both SB 309 (Senator Liz Stefanics) which prohibits prior authorization requirements for obstetrical and gynecological ultrasounds and SB 349 (Senator Mark Moores) which allows team physicians visiting the state to have the benefit of a temporary state medical license to treat the team and staff – a nationwide push by orthopedic specialty associations. Other specialty services benefitting this year include – the maternal mortality and morbidity prevention act (SB 215), artery screening (HB 58), and a cerebral palsy detection task force (HM 12).

Three issues “died” but received funding in the general appropriation bills HB 2 and cs/SB 536 –a study on the economic feasibility of “Medicaid Buy-In” (HB 416/ SB 405), the “Health Security Plan,” (H 495/ SB 279), and planning phase of an all-payers claim database (HB 88/ SB 101).

E-cigarettes were added to the Clean Indoor Air Act, but other vaping bills were killed. Other proposals that were either tabled, killed, or timed-out included HB 345 (GRT deductions for copays and deductibles), HB 448 (chiropractic physician practice act changes), HB 51 (decriminalize abortion), HB 90 (Elizabeth Whitefield end of life options act), and SB 97 (interstate medical licensure act).

A total of 310 bills passed both chambers and await the decision and pen of the Governor by April 5th. A complete listing of bills worked on or followed by NMMS is attached with hotlinks to the bills and their fiscal impact report (FIR).

All in all, NMMS survived an unexpectedly contentious session and remains grateful for all the hard-won victories for membership and their patients. NMMS leadership thanks membership for your support and participation this year in achieving so many of our goals.

Looking ahead, this next year will be an extremely important one for physicians and the house of medicine with the Interim Study of Amending the Medical Malpractice Act. Supporting the needs and perspectives of physicians is the role of NMMS and broadening membership is a must – there is strength in numbers. Your NEMPAC contributions and continued membership in your professional society are vital as we work to protect and support your professional practice needs. You may join, renew, and/or contribute online at www.nmms.org.

With gratitude,

New Mexico Medical Society