



NEW MEXICO LEGISLATURE

LEGISLATIVE HEALTH
AND HUMAN SERVICES
COMMITTEE

2023 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE
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INTERIM SUMMARY

Legislative Health and Human Services Committee 2023 Interim Summary

During the 2023 interim, the Legislative Health and Human Services Committee (LHHS) held seven meetings over 20 days. The committee met in Farmington, Las Vegas, Albuquerque, Ruidoso, Las Cruces and Santa Fe. At its first meeting, the LHHS developed its work plan and decided to use the first half of the interim to delve into the following broad areas of concern: expanding the health care workforce; improving access to and the delivery of behavioral health care services, including treatment for substance use disorder; and addressing issues that affect children and families.

With respect to expanding the health care workforce, the LHHS heard presentations from representatives of higher education institutions across the state, including the University of New Mexico, Central New Mexico Community College, San Juan College, New Mexico Highlands University, Western New Mexico University and New Mexico State University, on current and potential new programs for health care students. Additionally, the Higher Education Department updated the committee on its work to promote and expand educational opportunities for students seeking to become health care professionals. The Health Care Authority Department also provided an update on the department's efforts to increase Medicaid reimbursement rates for health care providers.

Regarding behavioral health care services, the committee invited representatives from the Health Care Authority Department and the Interagency Behavioral Health Purchasing Collaborative to discuss the demand for and availability of behavioral health care services. The LHHS also took a tour of the New Mexico Behavioral Health Institute at Las Vegas, where the committee was updated by the Department of Health on the operations at the facility and progress of the department's harm reduction programs. Additionally, the committee heard presentations from several behavioral health care providers and programs, including the 100% San Miguel County program and the Bernalillo County Behavioral Health Initiative.

The LHHS used its fourth meeting to focus on issues affecting children and families. The Children, Youth and Families Department provided updates on the operations at the department and explained the department's future goals and initiatives. Additionally, the committee heard presentations from child welfare advocates and people with lived experience in the child welfare system to understand and address the issues affecting children and families.

At the end of each day that the committee met, the committee members brainstormed ideas for potential solutions to address issues that were discussed during the meetings. The brainstorming sessions were used as a starting point for crafting substantive legislation, including appropriations. At its final meeting, the LHHS endorsed 14 bills.

Additionally, over the course of the 2023 interim, the LHHS focused on issues relating to housing and the unhoused and heard several presentations from stakeholders and experts to devise potential solutions for making housing more affordable. The committee also heard reports from the Department of Health, the Association of Developmental Disabilities Community Providers and Disability Rights New Mexico about the availability and quality of services for individuals with developmental disabilities. Additionally, the committee heard a report from the Health Care Authority Department on the department's transition from the Human Services Department.

WORK PLAN AND MEETING SCHEDULE

2023 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

Members

Sen. Gerald Ortiz y Pino, Chair	Rep. Pamela Herndon
Rep. Elizabeth "Liz" Thomson, Vice Chair	Sen. Martin Hickey
Rep. Eleanor Chávez	Rep. Jenifer Jones
Sen. David M. Gallegos	Sen. Antoinette Sedillo Lopez

Advisory Members

Rep. John Block	Rep. Tara L. Lujan
Rep. Kathleen Cates	Rep. Alan T. Martinez
Rep. Gail Chasey	Sen. Shannon D. Pinto
Sen. Katy M. Duhigg	Sen. Harold Pope
Rep. Joanne J. Ferrary	Sen. Nancy Rodriguez
Rep. Miguel P. García	Rep. Patricia Roybal Caballero
Sen. Siah Correa Hemphill	Sen. Gregg Schmedes
Rep. Tara Jaramillo	Sen. Elizabeth "Liz" Stefanics
Rep. D. Wonda Johnson	Rep. Reena Szczepanski
Sen. Linda M. Lopez	Sen. Bill Tallman
Rep. Stefani Lord	Rep. Harlan Vincent

Legislative Health and Humans Services Committee (LHHS)

The LHHS is a permanent joint committee of the legislature created pursuant to Section 2-13-1 NMSA 1978 and is responsible for studying the programs, agencies, policies and needs relating to health and human services, in addition to programs and services for children, families and the aging population.

Work Plan

At its organizational meeting, the LHHS chairs proposed and the members agreed to use the first three meetings of the interim as opportunities to focus on the following issues: the health care workforce; behavioral health, substance use and homelessness; and children and families.

During the first two days of each meeting, the committee will hear testimony from stakeholders, including national experts, state agencies, advocates and members of the public, pertaining to one of these issues. The committee will reserve the third day of each meeting to hear presentations on additional issues of concern.

At the end of each day, the committee chairs will lead a wrap-up session to discuss the issues that were heard that day. Members will be encouraged to engage in collaborative brainstorming sessions with the goal of identifying legislative action that is necessary to address the issues. The chairs will assign follow-up tasks and research questions to committee members and staff who will work together to craft proposed legislation for discussion at the subsequent

meeting. After receiving feedback, staff will work with the committee to revise the proposed legislation in time for the LHHS chairs to present it to the Legislative Finance Committee (LFC) when the LFC considers budget priorities in the fall.

Health Care Workforce

At its July meeting, the committee will examine several strategies for expanding and improving the health care workforce in the state. The committee will invite representatives from higher education institutions across the state, including the University of New Mexico, New Mexico Highlands University, Western New Mexico University and New Mexico State University, to present on current and potential new programs for health care students. The LHHS will also discuss ways to streamline the reimbursement process and increase reimbursement for health care providers practicing in New Mexico. Additionally, the Higher Education Department (HED) will update the committee on its work to promote and expand the educational opportunities for students seeking to become health care professionals.

Behavioral Health, Substance Use and Homelessness

During its August 7-9 meeting, the LHHS will focus on addressing behavioral health, substance use and homelessness. The Department of Health (DOH) will be invited to update the committee on the operations at the New Mexico Behavioral Health Institute at Las Vegas and the progress of the department's harm reduction programs. The committee will also invite representatives from the Human Services Department (HSD) and the Interagency Behavioral Health Purchasing Collaborative to discuss the demand for and availability of behavioral health services. Additionally, the LHHS will hear testimony regarding services for substance use disorders, including the provision of medication-assisted treatment services in correctional facilities. The committee will also investigate methods for addressing the misuse of alcohol and tobacco.

Children and Families

During its August 28-30 meeting, the LHHS will investigate issues affecting children and families. The committee will hear from representatives from the Children, Youth and Families Department (CYFD) and child welfare advocates to develop solutions that will ensure the safety of New Mexico's children and families.

Additional Issues of Concern

In addition to the issues that will be discussed during the committee's first three meetings, the LHHS will examine and receive presentations that address or include the following topics.

A. Agency Updates

The LHHS will invite the secretaries and leadership from the DOH; the HSD; the CYFD; the Aging and Long-Term Services Department; the HED; the Office of Superintendent of Insurance (OSI); the Interagency Behavioral Health Purchasing Collaborative; and the Early Childhood Education and Care Department to present on the implementation of new programs, legislative priorities and budgetary needs.

B. Aging and Long-Term Services

The LHHS will address several nursing home issues, including: liability insurance requirements, safe staffing practices and preventing the financial exploitation of nursing home residents. Additionally, the committee will invite representatives from the Alzheimer's Association to provide a presentation on the issues that are affecting people with Alzheimer's disease and other dementias.

C. Disabilities

The committee will invite the DOH to report on the status of various Medicaid waivers for individuals with disabilities. The committee will also address the demand for services and services available for people living with autism.

D. Environment and Public Health

The LHHS will evaluate the role that the environment plays in public health. For example, the committee will investigate the impact of the recent forest fires in New Mexico on physical and behavioral health.

E. Human Services

The LHHS will oversee multiple important transitions that are taking place in the human services sector. First, the committee will oversee the HSD's transition into becoming the Health Care Authority Department. The committee will be updated on the status of the department's social service programs, including Temporary Assistance for Needy Families and Medicaid. Additionally, the LHHS will investigate the impacts to social service programs resulting from the end of the federal COVID-19 public health emergency.

F. Pharmaceutical Drugs

The LHHS will continue its work to ensure that pharmaceutical drugs are affordable and accessible in New Mexico. The committee will hear testimony from the OSI to oversee the implementation of new legislative efforts to control pharmaceutical drug pricing and regulate pharmacy benefits managers. The committee will continue to identify potential new strategies for ensuring the affordability and accessibility of pharmaceutical drugs.

G. Previously Introduced Bills

The committee will hear testimony from sponsors who plan to reintroduce bills that were not signed into law.

H. Reporting

The committee will receive statutorily required and legislatively requested reports from various working groups and task forces. Task forces that are not required by statute to present a report to the LHHS will be asked to submit the task force's annual report to LHHS staff for email distribution to committee members.

I. School-Based Health Centers

The LHHS will invite the DOH to provide updates on the school-based health center programs in New Mexico.

J. Violent Crime and Public Health

The LHHS will examine the effects of violent crime and gun violence on public health. Furthermore, the committee will investigate methods to increase and improve services for victims of sexual assault and other violent crimes.

**Legislative Health and Human Services Committee
2023 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 12	Santa Fe
July 10-12	Farmington
August 7-9	Las Vegas
August 28-30	Albuquerque
September 18-20	Ruidoso
October 16-18	Las Cruces
November 28-December 1	Santa Fe

AGENDAS AND MINUTES

Revised: June 2, 2023

**TENTATIVE AGENDA
for the
FIRST MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**June 12, 2023
State Capitol, Senate Chamber
Santa Fe**

Monday, June 12

- 10:00 a.m. **Call to Order, Welcome and Introductions**
—Senator Gerald Ortiz y Pino, Chair, Legislative Health and Human
 Services Committee (LHHS)
—Representative Elizabeth "Liz" Thomson, Vice Chair, LHHS
- 10:15 a.m. (1) [LHHS 2023 Work Plan and Meeting Schedule: Presentation](#)
—Senator Gerald Ortiz y Pino, Chair, LHHS
—Representative Elizabeth "Liz" Thomson, Vice Chair, LHHS
- 12:00 noon **Working Lunch**
- 1:00 p.m. **LHHS 2023 Work Plan and Meeting Schedule: Member Discussion**
- 2:45 p.m. **Public Comment***
- 3:00 p.m. **Adjourn**

*Members of the public may make comments during the public comment portion of the meeting by clicking the video icon beneath the meeting agenda on the LHHS [web page](#) and following instructions under the "Extra Information" section.

MINUTES
of the
FIRST MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

June 12, 2023
State Capitol, Senate Chamber
Santa Fe

The first meeting of the Legislative Health and Human Services Committee (LHHS) was called to order by Senator Gerald Ortiz y Pino, chair, on June 12, 2023 at 10:08 a.m. in the Senate Chamber of the State Capitol in Santa Fe.

Present

Sen. Gerald Ortiz y Pino, Chair
Rep. Elizabeth "Liz" Thomson, Vice Chair
Rep. Eleanor Chávez
Sen. Martin Hickey
Rep. Jenifer Jones
Sen. Antoinette Sedillo Lopez

Absent

Sen. David M. Gallegos
Rep. Pamelya Herndon

Advisory Members

Rep. Kathleen Cates
Rep. Joanne J. Ferrary
Rep. Miguel P. García
Sen. Linda M. Lopez
Rep. Stefani Lord
Rep. Tara L. Lujan
Rep. Alan T. Martinez
Sen. Harold Pope
Sen. Nancy Rodriguez
Rep. Patricia Roybal Caballero
Sen. Elizabeth "Liz" Stefanics
Rep. Harlan Vincent

Rep. John Block
Rep. Gail Chasey
Sen. Katy M. Duhigg
Sen. Siah Correa Hemphill
Rep. Tara Jaramillo
Rep. D. Wonda Johnson
Sen. Shannon D. Pinto
Sen. Gregg Schmedes
Rep. Reena Szczepanski
Sen. Bill Tallman
Rep. Christine Trujillo

Staff

Zander Dawson, Staff Attorney, Legislative Council Service (LCS)
Andrea Lazarow, Bill Drafter, LCS
Cristina Vasquez, Staff Attorney, LCS
Grace Balderamos, Staff, LCS
Ian Carrillo, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Monday, June 12

Call to Order, Welcome and Introductions (10:08 a.m.)

Senator Ortiz y Pino welcomed everyone to the meeting, and members of the committee and staff introduced themselves. Raúl E. Burciaga, director, LCS, and Shawna Casebier, assistant director for drafting services, LCS, updated the committee on the LCS's progress in procuring consultants that will analyze potential ways to address health care cost drivers.

LHHS 2023 Work Plan and Meeting Schedule: Presentation (11:02 a.m.)

Mr. Dawson provided a presentation about the proposed work plan and meeting schedule for the interim. He included an overview of legislation endorsed by the committee during the 2023 legislative session and a list of topics of concern to the committee.

LHHS 2023 Work Plan and Meeting Schedule: Member Discussion (12:08 p.m.)

Senator Ortiz y Pino and Representative Thomson led a discussion to select topics of focus for the committee's 2023 interim work, and members provided input. They proposed and discussed potential meeting locations.

Public Comment (1:27 p.m.)

A list of individuals making public comment is available in the meeting file.

Adjournment

There being no further business before the committee, the meeting adjourned at 1:54 p.m.

Revised: July 7, 2023

**TENTATIVE AGENDA
for the
SECOND MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**July 10-12, 2023
Navajo Preparatory School, Student Success Center
1220 West Apache Street
Farmington**

Monday, July 10

- 9:30 a.m. **Call to Order and Introductions**
—Senator Gerald Ortiz y Pino, Chair, Legislative Health and Human
Services Committee (LHHS)
—Representative Elizabeth "Liz" Thomson, Vice Chair, LHHS
- 9:45 a.m. (1) **[Welcome to Navajo Preparatory School](#)**
—Shawna A. Becenti, Head of School, Navajo Preparatory School
- 10:00 a.m. (2) **[Higher Education Department Health Care Workforce Initiatives](#)**
—Patricia Trujillo, Ph.D., Deputy Secretary, Higher Education Department
- 11:30 a.m. **Public Comment**
- 12:00 noon **Lunch**
- 1:00 p.m. (3) **[Social Worker Workforce](#)**
—Judy Barnstone, Ph.D., M.S.W., Interim Dean and Associate Professor,
Facundo Valdez School of Social Work, New Mexico Highlands
University
—Susan Garcia, M.A., Chief, Workforce Development Bureau, Children,
Youth and Families Department
—Alvin L. Sallee, A.C.S.W., L.I.S.W., Chair, Social Work Task Force,
Professor Emeritus, New Mexico State University
- 2:30 p.m. (4) **[Recruiting Health Care Professionals](#)**
—Jerry N. Harrison, Ph.D., Executive Director, New Mexico Health
Resources, Inc.
—Linda Siegle, Lobbyist, New Mexico Nurses Association
- 4:00 p.m. **Brainstorming Session**
- 5:00 p.m. **Recess**

Tuesday, July 11

- 8:30 a.m. **Reconvene**
- 8:45 a.m. (5) **University of New Mexico (UNM) Health Care Workforce Initiatives**
—Hengameh Raissy, Pharm.D., Vice President for Research, UNM Health Sciences Center (HSC)
—Patricia Finn, M.D., Dean, School of Medicine, UNM HSC
—Carolyn Montoya, Ph.D., R.N., C.P.N.P, F.A.A.N., F.A.A.N.P., Interim Dean, College of Nursing, UNM HSC
- 10:30 a.m. (6) **Health Care Professional Licensure Update**
—Linda M. Trujillo, Superintendent, Regulation and Licensing Department
- 11:45 a.m. **Public Comment**
- 12:00 noon **Lunch**
- 1:00 p.m. (7) **Medicaid Reimbursement**
—Kari Armijo, Acting Secretary, Health Care Authority Department (HCAD)
—Elisa Walker-Moran, Deputy Director, Medical Assistance Division, HCAD
- 2:30 p.m. (8) **Addressing the Needs of Physicians**
—Yvette Ramirez Ammerman, M.Ed., Chief Executive Officer, New Mexico Primary Care Association
—Andres Gensini, M.D., Vice President of Clinical Affairs, Presbyterian Medical Services
—Karen Lynn Carson, M.D., F.A.A.P., BCA Pediatrics
—Carrie Robin Brunder, Lobbyist, New Mexico Medical Society
- 4:00 p.m. **Brainstorming Session**
- 5:00 p.m. **Recess**

Wednesday, July 12

- 8:30 a.m. **Reconvene**
- 9:00 a.m. (9) **Intensive Outpatient Behavioral Health Programs**
—Tony Velarde, L.S.A.A., Assistant Director, Overcomers Counseling LLC
—Rick Quevedo, Chief Executive Officer, Desert View Family Counseling Services

- 10:30 a.m. (10) [Nursing Programs](#)
—Diane Wesner, M.S.N, R.N., Associate Dean, Nursing Program Director,
School of Nursing and Patient Support, Central New Mexico
Community College
—Shawna Kemper, M.S.N., R.N., C.N.E., Director of Nursing, San Juan
College
- 11:45 a.m. **Public Comment**
- 12:00 noon **Lunch**
- 1:00 p.m. **Brainstorming Session**
- 3:00 p.m. **Adjourn**

**MINUTES
of the
SECOND MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**July 10-12, 2023
Navajo Preparatory School
Farmington**

The second meeting of the Legislative Health and Human Services Committee was called to order by Senator Gerald Ortiz y Pino, chair, on July 10, 2023 at 9:34 a.m. at Navajo Preparatory School (Navajo Prep) in Farmington.

Present

Sen. Gerald Ortiz y Pino, Chair
Rep. Elizabeth "Liz" Thomson, Vice Chair
Rep. Eleanor Chávez
Sen. David M. Gallegos
Rep. Pamelya Herndon
Sen. Martin Hickey
Rep. Jenifer Jones

Absent

Sen. Antoinette Sedillo Lopez

Advisory Members

Rep. John Block
Rep. Joanne J. Ferrary
Rep. Stefani Lord (7/10, 7/11)
Rep. Tara L. Lujan (7/12)
Rep. Alan T. Martinez
Sen. Shannon D. Pinto (7/10)
Sen. Harold Pope
Sen. Nancy Rodriguez (7/10, 7/11)

Rep. Kathleen Cates
Rep. Gail Chasey
Sen. Katy M. Duhigg
Rep. Miguel P. García
Sen. Siah Correa Hemphill
Rep. Tara Jaramillo
Rep. D. Wonda Johnson
Sen. Linda M. Lopez
Rep. Patricia Roybal Caballero
Sen. Gregg Schmedes
Sen. Elizabeth "Liz" Stefanics
Rep. Reena Szczepanski
Sen. Bill Tallman
Rep. Harlan Vincent

Guest Legislator

Rep. Rod Montoya (7/10, 7/11)

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Zander Dawson, Staff Attorney, Legislative Council Service (LCS)
Andrea Lazarow, Bill Drafter, LCS
Grace Balderamos, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

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Monday, July 10**Welcome and Introductions (9:34 a.m.)**

Senator Ortiz y Pino welcomed everyone to the meeting, and members of the committee and staff introduced themselves.

Welcome to Navajo Prep (9:40 a.m.)

Shawna A. Becenti, head of school, Navajo Prep, welcomed the committee and discussed the institution's history, current academic programs, extracurricular offerings and future plans.

Higher Education Department (HED) Health Care Workforce Initiatives (10:22 a.m.)

Stephanie Rodriguez, secretary, HED, and Patricia Trujillo, deputy secretary, HED, provided an update about the agency's initiatives with respect to growing the state's health care workforce.

Public Comment (12:02 p.m.)

A list of individuals making public comment is available in the meeting file.

Social Worker Workforce (1:19 p.m.)

Judy Barnstone, Ph.D., M.S.W., interim dean and associate professor, Facundo Valdez School of Social Work, New Mexico Highlands University, and Susan Garcia, M.A., chief, Workforce Development Bureau, Children, Youth and Families Department, discussed issues related to growing the social worker workforce, including education, training, licensing and pay, as well as career opportunities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071023%20Item%203%20Growing%20the%20Social%20Workforce%20in%20NM.pdf>.

Recruiting Health Care Professionals (3:03 p.m.)

Jerry N. Harrison, Ph.D., executive director, New Mexico Health Resources, Inc., and Linda Siegle, lobbyist, New Mexico Nurses Association, explained the challenges associated with recruiting and retaining health care professionals. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=7/10/2023&ItemNumber=4>.

Brainstorming Session (4:32 p.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Recess

The meeting recessed at 5:27 p.m.

Tuesday, July 11**Reconvene**

The meeting reconvened at 8:48 a.m.

University of New Mexico (UNM) Health Care Workforce Initiatives (8:49 a.m.)

Hengameh Raissy, Pharm.D., vice president for research, UNM Health Sciences Center (HSC); Patricia Finn, M.D., dean, School of Medicine, UNM HSC; and Carolyn Montoya, Ph.D., R.N., C.P.N.P., F.A.A.N., F.A.A.N.P., interim dean, College of Nursing, UNM HSC, gave a presentation about challenges and opportunities regarding recruiting and retaining health care providers, particularly physicians and nurses. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071023%20Item%205%20UNM.pdf>.

Health Care Professional Licensure Update (10:58 a.m.)

Linda M. Trujillo, superintendent, Regulation and Licensing Department, provided an update about the impact of new legislation pertaining to facilitating health care provider licensing.

Public Comment (12:09 p.m.)

A list of individuals making public comment is available in the meeting file.

Medicaid Reimbursement (1:17 p.m.)

Kari Armijo, acting secretary, Health Care Authority Department (HCA), and Karmela Martinez, income support division director, HCA, made a presentation regarding the use of

funding to increase Medicaid reimbursement rates and expand covered benefits and services, efforts to improve Medicaid provider network adequacy and new 1115 Waiver developments. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071023%20Item%207%20Medicaid%20Reimbursement.pdf>.

Addressing the Needs of Physicians (2:53 p.m.)

Yvette Ramirez Ammerman, M.Ed., chief executive officer, New Mexico Primary Care Association; Andres Gensini, M.D., vice president of clinical affairs, Presbyterian Medical Services; Karen Lynn Carson, M.D., F.A.A.P., BCA Pediatrics; and Carrie Robin Brunder, lobbyist, New Mexico Medical Society, made a presentation about various initiatives to address physician shortages, particularly in rural areas and in certain specialties. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=7/10/2023&ItemNumber=8>.

Approval of Minutes (4:13 p.m.)

Upon a motion made and duly seconded, and without any objections, the committee approved the minutes of the June 12, 2023 meeting.

Brainstorming Session (4:14 p.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Recess

The meeting recessed at 5:09 p.m.

Wednesday, July 12

Reconvene

The meeting reconvened at 8:55 a.m.

Intensive Outpatient Behavioral Health Programs (8:56 a.m.)

Tony Velarde, L.S.A.A., assistant director, Overcomers Counseling LLC, and Rick Quevedo, chief executive officer, Desert View Family Counseling Services, provided information about the services provided by their respective programs in the Farmington area. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20071023%20Item%209%20Overcomers%20Counseling.pdf>.

Nursing Programs (10:57 a.m.)

Diane Wesner, M.S.N., R.N., associate dean and nursing program director, School of Nursing and Patient Support, Central New Mexico Community College, and Shawna Kemper,

M.S.N., R.N., C.N.E., director of nursing, San Juan College, provided data regarding their respective programs and discussed issues related to shortages within the nursing profession. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=7/10/2023&ItemNumber=10>.

Public Comment (11:55 a.m.)

A list of individuals making public comment is available in the meeting file.

Brainstorming Session (12:15 p.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Adjournment

There being no further business before the committee, the meeting adjourned at 1:16 p.m.

Revised: August 4, 2023

**TENTATIVE AGENDA
for the
THIRD MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**August 7-8, 2023
Student Union Ballroom
New Mexico Highlands University
800 National Avenue
Las Vegas**

**August 9, 2023
New Mexico Behavioral Health Institute at Las Vegas
3695 Hot Springs Boulevard
Las Vegas**

Monday, August 7

- 9:00 a.m. **Call to Order and Introductions**
—Senator Gerald Ortiz y Pino, Chair, Legislative Health and Human Services Committee (LHHS)
—Representative Elizabeth "Liz" Thomson, Vice Chair, LHHS
- 9:15 a.m. (1) [Welcome to New Mexico Highlands University \(NMHU\)](#)
—Sam Minner, Ph.D., President, NMHU
- 9:45 a.m. (2) [Health Care Authority Department \(HCA\) Behavioral Health Update](#)
—Alex Castillo Smith, Deputy Secretary, HCA
—Nick Boukas, Director, Behavioral Health Services Division, HCA; Acting Chief Executive Officer (CEO), Interagency Behavioral Health Purchasing Collaborative
—Amy Whitfield, Special Director, Office of the Governor
- 11:45 a.m. **Public Comment**
- 12:00 noon **Lunch**
- 1:00 p.m. (3) [Department of Health \(DOH\) Harm Reduction Program](#)
—Josh Swatek, Program Manager, Hepatitis and Harm Reduction Program, Public Health Division, DOH
- 2:00 p.m. (4) [Coalition for a Safer ABQ](#)
—Peter Cubra, Attorney at Law

- 3:00 p.m. (5) [100% San Miguel Behavioral Health Initiatives](#)
—Matt Probst, P.A.-C., Director, Rural Community Engagement,
University of New Mexico Office for Community Health; Medical
Action Team Leader, 100% San Miguel
—Melissa Duran, Behavioral Health Action Team Leader, 100% San
Miguel
—Chris Lopez, Sheriff, San Miguel County; Public Safety Action Team
Leader, 100% San Miguel

4:30 p.m. **Brainstorming Session**

5:30 p.m. **Recess**

Tuesday, August 8

8:45 a.m. **Reconvene**

- 9:00 a.m. (6) [Improving Mental Health in Schools](#)
—Dan Frampton, L.C.S.W., President, Board of Directors, Breaking the
Silence New Mexico

- 10:00 a.m. (7) [Social Workers Addressing Behavioral Health, Substance Abuse and
Homelessness](#)
—Mika Tari, L.M.S.W., Executive Director, National Association of Social
Workers-New Mexico

- 11:00 a.m. (8) [City of Albuquerque Family and Community Services](#)
—Carol Pierce, M.S.N., Director, Family and Community Services
Department, City of Albuquerque
—Joseph Montoya, Deputy Director of Housing, Family and Community
Services Department, City of Albuquerque
—Maria Wolfe, Coordinator, Public Safety ECHO, City of Albuquerque

12:00 noon **Lunch**

- 12:30 p.m. (9) [Housing and Homelessness Panel](#)
—Monet Silva, Executive Director, New Mexico Coalition to End
Homelessness
—Nicole Martinez, Executive Director, Mesilla Valley Community of Hope
—Catherine Hummel, Executive Director, DreamTree Project
—Winter Torres, Director, New Mexico Eviction Prevention and Diversion
Program
—Serge Martinez, Associate Dean of Experiential Learning and Professor
of Law, University of New Mexico School of Law; Co-founder, New
Mexico Center for Housing Law

2:00 p.m. (10) [Behavioral Health Programs](#)
—Al Galves, Psychologist; Member, Board of Directors, Community Service Corps
—Marylou Bonacci, Chief of Operations, Southwest Counseling Center, Inc.

3:00 p.m. (11) [New Mexico Behavioral Health Providers](#)
—Stacy Martin, CEO, Santa Fe Recovery Center
—Sandy Emanuel, CEO, Peak Behavioral Health
—Jeanette Espinoza, Director of Outpatient Services, Peak Behavioral Health

4:00 p.m. **Public Comment**

4:15 p.m. **Brainstorming Session**

5:00 p.m. **Recess**

Wednesday, August 9 — New Mexico Behavioral Health Institute at Las Vegas

10:00 a.m. **Tour and Reception at the New Mexico Behavioral Health Institute at Las Vegas**

10:45 a.m. (12) [New Mexico Behavioral Health Institute at Las Vegas Presentation](#)
—Tim Shields, Administrator, New Mexico Behavioral Health Institute at Las Vegas
—Patrick Allen, Secretary, DOH
—Arya Lamb, Policy Director, DOH

11:30 a.m. (13) [Bernalillo County Behavioral Health Initiative](#)
—Jessica Jaramillo, Interim Director, Department of Behavioral Health Services, Bernalillo County
—Pamela Acosta, Senior Program Manager, Behavioral Health Initiative, Bernalillo County

12:30 p.m. **Brainstorming Session**

1:00 p.m. **Adjourn**

**MINUTES
of the
THIRD MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**August 7-8, 2023
Student Union Ballroom
New Mexico Highlands University
800 National Avenue
Las Vegas**

**August 9, 2023
New Mexico Behavioral Health Institute at Las Vegas
3695 Hot Springs Boulevard
Las Vegas**

The third meeting of the Legislative Health and Human Services Committee was called to order by Senator Gerald Ortiz y Pino, chair, on Monday, August 7, 2023, at 9:10 a.m. in the Student Union Ballroom at New Mexico Highlands University (NMHU) in Las Vegas.

Present

Sen. Gerald Ortiz y Pino, Chair
Rep. Elizabeth "Liz" Thomson, Vice Chair
Rep. Eleanor Chávez
Sen. Martin Hickey
Rep. Jenifer Jones (8/8, 8/9)

Absent

Sen. David M. Gallegos
Rep. Pamelya Herndon
Sen. Antoinette Sedillo Lopez

Advisory Members

Rep. John Block
Rep. Kathleen Cates (8/7, 8/8)
Rep. Gail Chasey (8/8)
Sen. Linda M. Lopez (8/7, 8/8)
Rep. Tara L. Lujan (8/9)
Rep. Alan T. Martinez (8/7)
Sen. Shannon D. Pinto (8/8)
Sen. Harold Pope
Sen. Nancy Rodriguez
Rep. Harlan Vincent

Sen. Katy M. Duhigg
Rep. Joanne J. Ferrary
Rep. Miguel P. García
Sen. Siah Correa Hemphill
Rep. Tara Jaramillo
Rep. D. Wonda Johnson
Rep. Stefani Lord
Rep. Patricia Roybal-Caballero
Sen. Gregg Schmedes
Sen. Elizabeth "Liz" Stefanics
Rep. Reena Szczepanski
Sen. Bill Tallman

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Zander Dawson, Staff Attorney, Legislative Council Service (LCS)
Andrea Lazarow, Bill Drafter, LCS
Grace Balderamos, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Monday, August 7 — NMHU, Las Vegas**Welcome and Introductions (9:10 a.m.)**

Senator Ortiz y Pino welcomed everyone to the meeting and invited members of the committee and staff to introduce themselves.

Welcome to NMHU (9:15 a.m.)

Sam Minner, Ph.D., president, NMHU, welcomed the committee to NMHU and provided an update about the university. He discussed recruitment and retention of students and staff, expansion of academic programs, mental health initiatives and community engagement.

Health Care Authority Department (HCA) Behavioral Health Update (10:07 a.m.)

Alex Castillo Smith, deputy secretary, HCA; Nick Boukas, director, Behavioral Health Services Division, HCA, and acting chief executive officer (CEO), Interagency Behavioral Health Purchasing Collaborative; and Amy Whitfield, special director, Office of the Governor, provided agency updates regarding behavioral health. They discussed Medicaid's role in behavioral health care in New Mexico, opioid use disorder treatment and prevention, housing and homelessness. The presenters outlined the state's role in providing accessible housing and creating housing stability. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/7/2023&ItemNumber=2>.

Public Comment (12:13 p.m.)

A list of individuals making public comment is available in the meeting file.

Department of Health (DOH) Harm Reduction Program (12:07 p.m.)

Josh Swatek, program manager, Hepatitis and Harm Reduction Program, Public Health Division, DOH, and Arya Lamb, policy director, DOH, presented about the DOH's Harm Reduction Program, which provides services for health promotion, intervention and overdose reversal. They explained overdose trends in New Mexico and how harm reduction services can be modernized to address the fentanyl abuse crisis. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20080723%20Item%203%20DOH%20Harm%20Reduction.pdf>.

Coalition for a Safer ABQ (1:48 p.m.)

Peter Cubra, attorney at law, described the background and mission of the Coalition for a Safer ABQ and how the coalition interacts with the city of Albuquerque and Bernalillo County to address community safety. He stressed the coalition's desire for New Mexico to develop a comprehensive strategic plan for bettering outcomes for people with behavioral health problems. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20080723%20Item%204%20Coalition%20for%20a%20Safer%20ABQ.pdf>.

100% San Miguel Behavioral Health Initiatives (3:10 p.m.)

Matt Probst, P.A.-C., director, Rural Community Engagement, University of New Mexico (UNM) Health Sciences Center Office for Community Health (OCH), and medical action team leader, 100% San Miguel; Melissa Duran, behavioral health action team leader, 100% San Miguel; and Chris Lopez, sheriff, San Miguel County, and public safety action team leader, 100% San Miguel, presented about the 100% San Miguel Behavioral Health Initiative and the OCH. They discussed initiatives by the OCH and 100% San Miguel to support youth, such as implementing school-based health centers, developing programs that combat adverse childhood experiences and expanding access to different types of counseling. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/7/2023&ItemNumber=5>.

Brainstorming Session (4:41 p.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Recess

The meeting recessed at 5:16 p.m.

Tuesday, August 8 — NMHU, Las Vegas

Reconvene

The meeting reconvened at 9:12 a.m.

Improving Mental Health in Schools (9:13 a.m.)

Dan Frampton, L.C.S.W., president, Board of Directors, Breaking the Silence New Mexico, presented about mental health in schools, including the mental health of students, school staff and parents of students. He discussed identifying students in need of mental health services and improving access to mental health resources for youths. He emphasized the importance of schools providing school-based mental health services. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20080723%20Item%206%20Breaking%20the%20Silence.pdf>.

Social Workers Addressing Behavioral Health, Substance Abuse and Homelessness (10:23 a.m.)

Mika Tari, L.M.S.W., executive director, National Association of Social Workers-New Mexico, explained the National Association of Social Workers' initiatives to address behavioral health, substance abuse and homelessness. She emphasized that treatment and prevention both begin with education. She discussed the national shortage of social workers, how New Mexico compares to other states in services supplied and bureaucratic difficulties that social workers face in becoming licensed and practicing.

City of Albuquerque Family and Community Services (10:56 a.m.)

Carol Pierce, M.S.N., director, Family and Community Services Department, City of Albuquerque; Joseph Montoya, deputy director of housing, Family and Community Services Department, City of Albuquerque; Maria Wolfe, coordinator, Public Safety ECHO, City of Albuquerque; Mariela Ruiz-Angel, M.B.A., director, Albuquerque Community Safety, City of Albuquerque; and Gilbert Gallegos, director of communications and community outreach, Albuquerque Police Department, presented about family and community services in Albuquerque and how the city collaborates with the state and Bernalillo County to provide those services. They discussed the demographics of the city's homeless population, the first responder system and the need to expand housing and family services in Albuquerque. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/7/2023&ItemNumber=8>.

Housing and Homelessness Panel (1:01 p.m.)

Monet Silva, executive director, New Mexico Coalition to End Homelessness; Winter Torres, director, New Mexico Eviction Prevention and Diversion Program; and Serge Martinez, associate dean of experiential learning and professor of law, UNM School of Law, and co-founder, New Mexico Center for Housing Law, presented about nationwide skyrocketing

housing prices and the community trauma caused by lack of housing that is affordable. They discussed eviction practices, housing subsidies, increasing and maintaining access to housing in New Mexico and potential funding sources. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/7/2023&ItemNumber=9>.

Behavioral Health Programs (2:30 p.m.)

Al Galves, psychologist, and member, Board of Directors, Community Service Corps, and Marylou Bonacci, chief of operations, Southwest Counseling Center, Inc., presented about Soteria House in Las Cruces and Southwest Counseling Center, Inc.'s Los Amigos transitional housing in Las Cruces. They discussed the background of Soteria houses around the country and gave information about the support services that Soteria House in Las Cruces and Los Amigos provide. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/7/2023&ItemNumber=10>.

New Mexico Behavioral Health Providers (3:42 p.m.)

Stacy Martin, CEO, Santa Fe Recovery Center, and Jeanette Espinoza, director of outpatient services, Peak Behavioral Health, presented about the Santa Fe Recovery Center, Peak Behavioral Health and the New Mexico Behavioral Health Providers Association and discussed the services they provide. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/7/2023&ItemNumber=11>.

Approval of Minutes (4:27 p.m.)

Upon a motion made and duly seconded, and without any objections, the committee approved the minutes of the July 10-12, 2023 meeting.

Public Comment (4:28 p.m.)

A list of individuals making public comment is available in the meeting file.

Brainstorming Session (4:37 p.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Recess

The meeting recessed at 4:55 p.m.

Wednesday, August 9 — New Mexico Behavioral Health Institute at Las Vegas

Reconvene

The meeting reconvened at 10:24 a.m.

Tour and Reception at the New Mexico Behavioral Health Institute at Las Vegas (10:26 a.m.)

Committee members and staff toured the facilities of the New Mexico Behavioral Health Institute at Las Vegas.

New Mexico Behavioral Health Institute at Las Vegas Presentation (11:04 a.m.)

Tim Shields, administrator, New Mexico Behavioral Health Institute at Las Vegas, and Patrick Allen, secretary, DOH, presented about the New Mexico Behavioral Health Institute at Las Vegas. They gave a brief overview about its recent history. They provided information about the institute's campus, facilities, patients and staffing needs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20080723%20Item%2012%20Behavioral%20Health%20Institute.pdf>.

Bernalillo County Behavioral Health Initiative (12:14 p.m.)

Jessica Jaramillo, interim director, Department of Behavioral Health Services, Bernalillo County, and Pamela Acosta, senior program manager, Behavioral Health Initiative, Bernalillo County, provided an overview about the Bernalillo County Behavioral Health Initiative and its governance structure, services, facilities and partnerships. They provided information about the services provided by Bernalillo County's Department of Behavioral Health Services' Comprehensive Assessment and Recovery through Excellence campus. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/7/2023&ItemNumber=13>.

Brainstorming Session (1:48 p.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Adjournment

There being no further business before the committee, the meeting adjourned at 2:14 p.m.

Revised: August 25, 2023

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**August 28-30, 2023
University of New Mexico
Comprehensive Cancer Center, Auditorium
1201 Camino de Salud NE
Albuquerque**

Monday, August 28

- 8:45 a.m. **Call to Order and Introductions**
—Senator Gerald Ortiz y Pino, Chair, Legislative Health and Human
Services Committee (LHHS)
—Representative Elizabeth "Liz" Thomson, Vice Chair, LHHS
- 9:00 a.m. (1) **[Welcome to the University of New Mexico \(UNM\)](#)**
—Garnett S. Stokes, President, UNM
—Yolanda Sanchez, Ph.D., Professor, Department of Internal Medicine,
UNM School of Medicine; Director and Chief Executive Officer
(CEO), UNM Comprehensive Cancer Center
- 9:45 a.m. (2) **[Children, Youth and Families Department \(CYFD\) Plans and
Initiatives](#)**
—Teresa Casados, Acting Secretary, CYFD
- 10:45 a.m. (3) **[CYFD Program Updates](#)**
—Teresa Casados, Acting Secretary, CYFD
- 11:45 a.m. **Public Comment**
- 12:00 noon **Lunch**
- 1:00 p.m. (4) **[Prenatal and Postnatal Care and the Generational Approach](#)**
—Larry Leeman, M.D., Professor, Department of Family and Community
Medicine and Department of Obstetrics and Gynecology, UNM
School of Medicine; Medical Director, Milagro Program, UNM Health
System
—Kate McCalmont, M.D., Associate Professor, Department of Family and
Community Medicine, UNM School of Medicine; Medical Director,
FOCUS Clinic, UNM Health System

- Chloe Stoffel, D.O., F.A.A.P., Assistant Professor, Department of Pediatrics; Medical Director, Averting Disparities in Outcomes by Building Engagement Program, UNM School of Medicine
- Rebecca Girardet, M.D., Professor, Department of Pediatrics, UNM School of Medicine; Co-Director, UNM Institute of Resilience, Health and Justice; Lead Convener, Child Health Grand Challenge, UNM; Medical Director, Para Los Niños, UNM Health System
- Gillian Burkhardt, M.D., Associate Professor, Department of Obstetrics and Gynecology, UNM School of Medicine; Former Board President, New Mexico Perinatal Collaborative; Member, Maternal Mortality Review Committee

2:30 p.m. (5) [Substitute Care Advisory Council Update](#)
—Shelly Bucher, Director, Substitute Care Advisory Council

3:30 p.m. (6) [Child Welfare Advocates](#)
—Maralyn Beck, M.P.S., Executive Director, New Mexico Child First Network
—Jason Espinoza, CEO, KW Consulting, LLC

4:30 p.m. **Brainstorming Session**

5:30 p.m. **Recess**

Tuesday, August 29

8:15 a.m. **Reconvene**

8:30 a.m. (7) [Advocating for and Providing Services to Children and Families](#)
—Krisztina Udvardi, M.B.A., President and CEO, All Faiths Children's Advocacy Center
—Tania Valdez, Chief Operations Officer, All Faiths Children's Advocacy Center

9:30 a.m. (8) [The Lived Experience of People in the Child Welfare System](#)
—Veronica Krupnick, Leadership Analyst, House Majority Office; Vice President, Board of Directors, Court-Appointed Special Advocates, First Judicial District; Senior Member, National Foster Youth and Alumni Policy Council; Co-Chair of Training Committee, New Mexico Partners; Indian Child Welfare Act Subcommittee Lead, National Child Welfare and Racial Equity Collaborative
—Queva Hubbard, Certified Peer Support Worker, Parent Mentor Coordinator, New Mexico Family Advocacy Program
—Takkeem Morgan, Founder, Mosaic ParentHub
—Rebecca Louve Yao, Executive Director, National Foster Youth Institute

- 10:45 a.m. (9) [Office of Family Representation and Advocacy \(OFRA\)](#)
—Beth A. Gillia, J.D., M.A., Executive Director, OFRA
- 11:45 a.m. **Public Comment**
- 12:00 noon **Lunch**
- 1:00 p.m. (10) [Children's Trust Fund](#)
—Marg Elliston, Vice Chair, Children's Trust Fund Board of Trustees
—Kim Straus, Member, Children's Trust Fund Board of Trustees
- 2:00 p.m. (11) [Empowering Families Experiencing Homelessness Through Holistic Delivery of Wraparound Services](#)
—Jeff Hoehn, Executive Director, Cuidando Los Niños
—Michelle Saenz-Adames, Ph.D., CEO, Jardin de los Niños
- 3:00 p.m. (12) [New Mexico Child Advocacy Networks \(NMCAN\)](#)
—Q. Martine, Youth Leader, NMCAN
—Joanna Delaney, Youth Leader, NMCAN
—Ashley Varela, Senior Advancement Associate, NMCAN
—Lorilynn Violanta, Co-Executive Director, NMCAN
- 4:00 p.m. (13) [Early Support for Bright Futures](#)
—Allyson Rhatigan, Parent Advocate
—Kristin Mora, Parent Advocate
- 4:30 p.m. **Brainstorming Session**
- 5:30 p.m. **Recess**

Wednesday, August 30

- 8:45 a.m. **Reconvene**
- 9:00 a.m. (14) [UNM Health System](#)
—Douglas Ziedonis, M.D., M.P.H., Executive Vice President, UNM Health Sciences Center and CEO, UNM Health System
- 10:30 a.m. (15) [UNM School of Public Health](#)
—Tracie C. Collins, M.D., M.P.H., M.H.C.D.S., Dean, College of Population Health, UNM Health Sciences Center
- 12:00 noon **Lunch**
- 1:00 p.m. **Public Comment**

- 1:15 p.m. (16) [Issues Affecting Nurses](#)
—Marion Deming, R.N.
—Anna Cibils, R.N.
—Megan Cundy, Patient Care Technician
- 2:15 p.m. (17) [Issues Affecting Medical Residents](#)
—Mingma L. Sherpa, M.D., M.S.
—Emmeline Friedman, M.D.
—Destinie Marquez, M.D.
- 3:15 p.m. (18) [Making the Sequential Intercept Model a Reality in New Mexico](#)
—Connie Elizabeth Vigil, Behavioral Health Master Plan Coordinator,
Bernalillo County Behavioral Health Committee; President, Greater
Albuquerque Business Alliance
—Laura Carlisle, O.T./L., Board Member, National Alliance on Mental
Illness; Behavioral Health Specialist, Bernalillo County Behavioral
Health Committee
—Karl Swanson, J.D., Deputy District Attorney, Office of the Second
Judicial District Attorney
- 4:15 p.m. **Brainstorming Session**
- 5:00 p.m. **Adjourn**

MINUTES
of the
FOURTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

August 28-30, 2023
University of New Mexico
Comprehensive Cancer Center, Auditorium
1201 Camino de Salud NE
Albuquerque

The fourth meeting of the Legislative Health and Human Services Committee was called to order by Senator Gerald Ortiz y Pino, chair, on Monday, August 28, 2023, at 8:58 a.m. in the auditorium of the University of New Mexico (UNM) Comprehensive Cancer Center in Albuquerque.

Present

Sen. Gerald Ortiz y Pino, Chair
Rep. Elizabeth "Liz" Thomson, Vice Chair
Rep. Eleanor Chávez
Rep. Pamelya Herndon
Sen. Martin Hickey
Rep. Jenifer Jones (8/28, 8/29)
Sen. Antoinette Sedillo Lopez

Absent

Sen. David M. Gallegos

Advisory Members

Rep. John Block
Rep. Kathleen Cates (8/28, 8/29)
Rep. Gail Chasey
Rep. Joanne J. Ferrary
Rep. Miguel P. García
Rep. Tara Jaramillo (8/28)
Rep. D. Wonda Johnson
Sen. Linda M. Lopez
Rep. Stefani Lord
Rep. Tara L. Lujan (8/28, 8/29)
Sen. Shannon D. Pinto
Sen. Harold Pope
Sen. Nancy Rodriguez (8/28, 8/29)
Sen. Elizabeth "Liz" Stefanics (8/28)
Sen. Bill Tallman
Rep. Harlan Vincent

Sen. Katy M. Duhigg
Sen. Siah Correa Hemphill
Rep. Alan T. Martinez
Rep. Patricia Roybal Caballero
Sen. Gregg Schmedes
Rep. Reena Szczepanski

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Zander Dawson, Staff Attorney, Legislative Council Service (LCS)
Andrea Lazarow, Bill Drafter, LCS
Grace Balderamos, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Monday, August 28**Welcome and Introductions (8:58 a.m.)**

Senator Ortiz y Pino welcomed everyone to the meeting. Members of the committee and staff introduced themselves.

Welcome to UNM (9:02 a.m.)

Yolanda Sanchez, Ph.D., professor, Department of Internal Medicine, UNM School of Medicine, and director and chief executive officer (CEO), UNM Comprehensive Cancer Center, and James Holloway, Ph.D., provost and executive vice president for academic affairs, UNM, gave an overview of the UNM Comprehensive Cancer Center, including its mission and research. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%201%20CCC.pdf>.

Children, Youth and Families Department (CYFD) Plans and Initiatives (9:38 a.m.)

Teresa Casados, acting secretary, CYFD; Julie Sakura, chief general counsel, CYFD; and Sarah Meadows, bureau chief, Research, Assessment and Data Bureau, CYFD, presented about the CYFD's plans and initiatives regarding social security benefits, children's in-office stays at the department, receiving centers and family resource centers. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%202%20CYFD.pdf>.

CYFD Program Updates (10:45 a.m.)

Ms. Casados, Ms. Sakura and Ms. Meadows updated the committee about the CYFD's *Kevin S.* settlement initiatives, the department's structural changes, agency collaborations and the digital Foster Parent Resource Hub. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%202%20CYFD.pdf>.

Public Comment (11:49 a.m.)

A list of individuals making public comment is available in the meeting file.

Prenatal and Postnatal Care and the Generational Approach (1:04 p.m.)

Larry Leeman, M.D., professor, Department of Family and Community Medicine and Department of Obstetrics and Gynecology, UNM School of Medicine (UNM SOM), and medical director, Milagro Program, UNM Health System; Kate McCalmont, M.D., associate professor, Department of Family and Community Medicine, UNM SOM, and medical director, FOCUS Clinic, UNM Health System; Chloe Stoffel, D.O., F.A.A.P., assistant professor, Department of Pediatrics, and medical director, Averting Disparities in Outcomes by Building Engagement Program, UNM SOM; Rebecca Girardet, M.D., professor, Department of Pediatrics, UNM SOM; co-director, UNM Institute of Resilience, Health and Justice; lead convener, Child Health Grand Challenge, UNM; and medical director, Para Los Niños, UNM Health System; and Gillian Burkhardt, M.D., associate professor, Department of Obstetrics and Gynecology, UNM SOM; former board president, New Mexico Perinatal Collaborative; and member, Maternal Mortality Review Committee, discussed how intergenerational trauma-informed health care services and behavioral health services for pregnant people, postpartum people and children who have been impacted by substance abuse and complex trauma can improve health care equity in New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/28/2023&ItemNumber=4>.

Substitute Care Advisory Council Update (2:55 p.m.)

Shelly Bucher, director, Substitute Care Advisory Council, presented about the Substitute Care Advisory Council's purpose, structure and history and citizen participation in the council. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%205%20NMSCAC.pdf>.

Child Welfare Advocates (4:08 p.m.)

Maralyn Beck, M.P.S., executive director, New Mexico Child First Network; Jason Espinoza, CEO, KW Counseling, LLC; Erika Poindexter, attorney at law; and Matthew Beck,

attorney at law, presented about the New Mexico Child First Network, CYFD reform efforts and a review of legislative efforts from the 2023 legislative session. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%206%20NM%20Child%20First.pdf>.

Recess

The meeting recessed at 5:11 p.m.

Tuesday, August 29

Reconvene

The meeting reconvened at 8:34 a.m.

Advocating for and Providing Services to Children and Families (8:34 a.m.)

Krisztina Udvardi, M.B.A., president and CEO, All Faiths Children's Advocacy Center, and Tania Valdez, chief operations officer, All Faiths Children's Advocacy Center, explained the role of a family advocate and discussed measures that the legislature can take to collaborate with state and federal agencies to create new services and improve current services for children and families who have experienced trauma.

The Lived Experience of People in the Child Welfare System (9:28 a.m.)

Veronica Krupnick, leadership analyst, House Majority Office; vice president, Board of Directors, Court-Appointed Special Advocates, First Judicial District; senior member, National Foster Youth and Alumni Policy Council; co-chair of Training Committee, New Mexico Partners; and Indian Child Welfare Act Subcommittee lead, National Child Welfare and Racial Equity Collaborative; Queva Hubbard, certified peer support worker and parent mentor coordinator, New Mexico Family Advocacy Program; Takkeem Morgan, founder, Mosaic ParentHub; and Rebecca Louve Yao, executive director, National Foster Youth Institute, shared their personal experiences as children and parents in the child welfare system. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%208%20Redefining%20Rescue.pdf>.

Office of Family Representation and Advocacy (OFRA) (10:51 a.m.)

Beth A. Gillia, J.D., M.A., executive director, OFRA, and John Davis, Oversight Commission, OFRA, and retired district court judge, Thirteenth Judicial District, discussed how the OFRA provides legal representation and advocacy for children and families who have experienced child abuse and child neglect.

Public Comment (11:46 a.m.)

A list of individuals making public comment is available in the meeting file.

Working Lunch: Brainstorming Session (12:14 p.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Children's Trust Fund (1:42 p.m.)

Marg Elliston, vice chair, Children's Trust Fund Board of Trustees, and Kim Straus, member, Children's Trust Fund Board of Trustees, provided an overview of the Children's Trust Fund's grantees and the Children's Trust Fund Board of Trustees' marketing campaigns and legislative requests. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/28/2023&ItemNumber=10>.

Empowering Families Experiencing Homelessness Through Holistic Delivery of Wraparound Services (2:15 p.m.)

Jeff Hoehn, executive director, Cuidando Los Niños, and Michelle Saenz-Adames, Ph.D., CEO, Jardin de los Niños, presented about wraparound services for victims of adverse childhood experiences and their families, including individualizing services for families' unique needs, providing on-site behavioral and mental health services and supporting a trauma-informed workforce. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%2011%20Empowering%20Homeless%20Families.pdf>.

New Mexico Child Advocacy Networks (NMCAN) (3:11 p.m.)

Alyssa Davis, youth leader, NMCAN; Q. Martine, youth leader, NMCAN; Ashley Varela, senior advancement associate, NMCAN; and Lorilynn Violanta, co-executive director, NMCAN, presented about NMCAN's mission and programs and shared their personal experiences with NMCAN. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%2012%20NMCAN.pdf>.

Early Support for Bright Futures (3:58 p.m.)

Allyson Rhatigan, parent advocate and parent representative, Family Infant Toddler (FIT) Program, Interagency Coordinating Council (ICC), Early Intervention Services Division, Early Childhood Education and Care Department (ECECD), and Kristin Mora, parent advocate and parent representative, FIT Program, ICC, Early Intervention Services Division, ECECD, presented about the ECECD's FIT Program and shared their families' personal experiences with the ICC. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%2013%20Bright%20Futures.pdf>.

Approval of Minutes (4:42 p.m.)

Upon a motion made and duly seconded, and without any objections, the committee approved the minutes of the August 7-9, 2023 meeting.

Recess

The meeting recessed at 4:43 p.m.

Wednesday, August 30**Reconvene**

The meeting reconvened at 9:06 a.m.

UNM Health System (9:06 a.m.)

Douglas Ziedonis, M.D., M.P.H., executive vice president, UNM Health Sciences Center, and CEO, UNM Health System, gave an update about the UNM Health System's programs and research. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%2014%20UNM%20HSC.pdf>

UNM School of Public Health (10:37 a.m.)

Tracie C. Collins, M.D., M.P.H., M.H.C.D.S., dean, College of Population Health, UNM Health Sciences Center, gave an update about the UNM School of Public Health, including its creation, programs and goals for the future. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%2015%20UNM%20Pop%20Health.pdf>

Working Lunch: Brainstorming Session (11:59 a.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Public Comment (1:13 p.m.)

A list of individuals making public comment is available in the meeting file.

Issues Affecting Nurses (1:45 p.m.)

Marion Deming, R.N.; Anna Cibils, R.N.; and Megan Cundy, patient care technician, shared their personal experiences as health care workers. They discussed staff-to-patient ratios, health care worker burnout and legislation that other states have passed to address health care worker shortages. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%2016%20Safe%20Staffing.pdf>

Issues Affecting Medical Residents (2:36 p.m.)

Mingma L. Sherpa, M.D., M.S.; Emmeline Friedman, M.D., and Destinie Marquez, M.D., shared their personal experiences as medical residents in the UNM Health System,

including why they want to practice medicine in New Mexico. They discussed how New Mexico can appeal to out-of-state physicians as a desirable place to practice. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20082823%20Item%2017%20Residents.pdf>.

Making the Sequential Intercept Model a Reality in New Mexico (3:32 p.m.)

Connie Elizabeth Vigil, behavioral health master plan coordinator, Bernalillo County Behavioral Health Committee, and president, Greater Albuquerque Business Alliance; Karl Swanson, J.D., deputy district attorney, Office of the Second Judicial District Attorney; and Laura Carlisle, O.T./L., board member, National Alliance on Mental Illness, and behavioral health specialist, Bernalillo County Behavioral Health Committee, explained the sequential intercept model, the key stages at each intercept and how the model can be implemented as a strategic tool in New Mexico's criminal justice system. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=8/28/2023&ItemNumber=18>.

Adjournment

There being no further business before the committee, the meeting adjourned at 4:33 p.m.

Revised: September 15, 2023

**TENTATIVE AGENDA
for the
FIFTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**September 18-20, 2023
Ruidoso Convention Center
111 Sierra Blanca Drive
Ruidoso**

Monday, September 18

- 9:00 a.m. **Call to Order and Introductions**
—Senator Gerald Ortiz y Pino, Chair, Legislative Health and Human Services Committee (LHHS)
—Representative Elizabeth "Liz" Thomson, Vice Chair, LHHS
- 9:15 a.m. (1) **LHHS Study Update**
—Karen Wells, Project Coordinator, Legislative Council Service
- 9:45 a.m. (2) **Child Welfare Analysis with Focus on Social Work Workforce**
—Alvin L. Sallee, A.C.S.W., L.I.S.W., Chair, Social Work Task Force, Professor Emeritus, New Mexico State University
—Melissa Moyer, D.S.W., L.C.S.W., Director of Social Work, Eastern New Mexico University
- 10:45 a.m. (3) **Welcome to Ruidoso**
—Lynn D. Crawford, Mayor, Village of Ruidoso
- 11:15 a.m. (4) **Federal Comprehensive Addiction and Recovery Act of 2016 (CARA) Roundtable Update**
—Senator Gerald Ortiz y Pino, Chair, LHHS
- 11:45 a.m. **Public Comment**
- 12:00 noon **Lunch**
- 1:00 p.m. (5) **100% Chaves County Initiative**
—Dan Jennings, Executive Director, HagermanForward, Inc.; Leadership Team Member, 100% Chaves County Initiative

2:00 p.m. (6) [Office of the Attorney General](#)
—Julie Meade, Tobacco Bureau Chief, Assistant Attorney General, Office of the Attorney General
—James Grayson, Chief Deputy Attorney General, Office of the Attorney General

4:00 p.m. **Brainstorming Session**

5:00 p.m. **Recess**

Tuesday, September 19

9:00 a.m. (7) [New Mexico Hospital Association \(NMHA\)](#)
—Troy Clark, President and Chief Executive Officer (CEO), NMHA
—Todd Oberheu, Facility Administrator, Lincoln County Medical Center
—Sabrina Martin, M.P.T., CEO, Advanced Care Hospital of Southern New Mexico
—Chris Schroeder, Chief Operating Officer and Lead Designer, Real Time Solutions

10:00 a.m. (8) [Providing Behavioral Health Care in Southern New Mexico](#)
—Philip Huston, Executive Director, Carlsbad Lifehouse

11:00 a.m. (9) [Meals on Wheels](#)
—Shauna Frost, M.B.A., CEO, Meals on Wheels New Mexico
—Renee Ruybal, Chief Advancement Officer, Meals on Wheels New Mexico

12:00 noon **Lunch**

1:00 p.m. (10) [Alzheimer's Association Update](#)
—Tommy Hernandez, Public Policy Director, Alzheimer's Association, New Mexico Chapter

2:00 p.m. (11) [New Mexico Alliance of Health Councils \(NMAHC\)](#)
—Valeria Alarcón, Executive Director, NMAHC
—Rebekah West, Coordinator, Climate Change Health Impacts and Community Action Program, NMAHC

3:00 p.m. **Brainstorming Session**

4:00 p.m. **Recess**

Wednesday, September 20

- 9:45 a.m. (12) **Chaves County Court Appointed Special Advocate (CASA)**
—Yasine Armstrong, Chief Development Officer, Chaves County CASA
- 10:45 a.m. **Public Comment**
- 11:00 a.m. (13) **Legislative Finance Committee (LFC) Progress Report: Addressing Substance Use Disorders**
—Rachel Mercer Garcia, Program Evaluator, LFC
- 12:00 noon (14) **LFC Program Evaluation: Home Visiting Implementation and Expansion**
—Sarah Dinces, Ph.D., Program Evaluator, LFC
- 1:00 p.m. **Brainstorming Session**
- 2:00 p.m. **Adjourn**

MINUTES
of the
FIFTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

September 18-20, 2023
Ruidoso Convention Center
111 Sierra Blanca Drive
Ruidoso

The fifth meeting of the Legislative Health and Human Services Committee (LHHS) was called to order by Senator Gerald Ortiz y Pino, chair, on Monday, September 18, 2023, at 9:18 a.m. at the Ruidoso Convention Center in Ruidoso.

Present

Sen. Gerald Ortiz y Pino, Chair
Rep. Elizabeth "Liz" Thomson, Vice Chair
Rep. Eleanor Chávez (9/18, 9/19)
Rep. Pamela Herndon
Sen. Martin Hickey
Rep. Jenifer Jones (9/19)

Absent

Sen. David M. Gallegos
Sen. Antoinette Sedillo Lopez

Advisory Members

Rep. John Block
Rep. Kathleen Cates
Rep. Joanne J. Ferrary
Sen. Linda M. Lopez (9/18)
Rep. Stefani Lord (9/18, 9/19)
Rep. Tara L. Lujan (9/19)
Rep. Alan T. Martinez (9/18, 9/19)
Sen. Shannon D. Pinto
Sen. Nancy Rodriguez (9/18, 9/19)
Sen. Elizabeth "Liz" Stefanics (9/19, 9/20)
Rep. Harlan Vincent

Rep. Gail Chasey
Sen. Katy M. Duhigg
Rep. Miguel P. García
Sen. Siah Correa Hemphill
Rep. Tara Jaramillo
Rep. D. Wonda Johnson
Sen. Harold Pope
Rep. Patricia Roybal Caballero
Sen. Gregg Schmedes
Rep. Reena Szczepanski
Sen. Bill Tallman

Guest Legislator

Rep. Micaela Lara Cadena (9/20)

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Zander Dawson, Staff Attorney, Legislative Council Service (LCS)
Grace Balderamos, Staff, LCS
Paul Estok, Bill Drafter, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Monday, September 18

Welcome and Introductions (9:12 a.m.)

Senator Ortiz y Pino welcomed everyone to the meeting. Members of the committee and staff introduced themselves.

LHHS Study Update (9:18 a.m.)

Karen Wells, project coordinator, LCS, provided an update on the status of two studies being conducted at the LHHS's request. One of the studies is examining the feasibility of implementing a global budgeting system for rural hospitals, and the other study is focused on identifying and analyzing solutions for reducing administrative costs in the health care system.

Child Welfare Analysis with Focus on Social Work Workforce (9:42 a.m.)

Alvin L. Sallee, A.C.S.W., L.I.S.W., chair, Social Work Task Force and professor emeritus, New Mexico State University, and Melissa Moyer, D.S.W., L.C.S.W., director of social work, Eastern New Mexico University, discussed how the legislature can support New Mexico's social work workforce to improve child welfare in the state. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091823%20Item%202%20Child%20Welfare%20and%20Social%20Work.pdf>.

Welcome to Ruidoso (10:47 a.m.)

Lynn D. Crawford, mayor, Village of Ruidoso, welcomed the committee to Ruidoso.

Federal Comprehensive Addiction and Recovery Act of 2016 (CARA) Roundtable Update (11:43 a.m.)

Senator Ortiz y Pino provided a report on the plans for implementing CARA in New Mexico. He described the Children, Youth and Families Department's role in beginning and running New Mexico's CARA program. He answered questions from committee members about CARA and the CARA program.

Public Comment (12:20 p.m.)

A list of individuals making public comment is available in the meeting file.

100% Chaves County Initiative (1:05 p.m.)

Dan Jennings, executive director, HagermanForward, Inc., and leadership team member, 100% Chaves County Initiative, presented about the 100% Chaves County Initiative, including its outreach events, partners, vision and challenges. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091823%20Item%203%20100%20Percent%20Chaves.pdf>.

Office of the Attorney General (1:53 p.m.)

Julie Meade, tobacco bureau chief and assistant attorney general, Office of the Attorney General, provided an update about funds from tobacco settlements. James Grayson, chief deputy attorney general, Office of the Attorney General, updated the committee about funds from opioid settlements.

Brainstorming Session (3:26 p.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Recess

The meeting recessed at 4:23 p.m.

Tuesday, September 19**Reconvene**

The meeting reconvened at 9:07 a.m.

New Mexico Hospital Association (NMHA) (9:10 a.m.)

Troy Clarke, president and chief executive officer (CEO), NMHA; Todd Oberheu, facility administrator, Lincoln County Medical Center; Sabrina Martin, M.P.T., CEO, Advanced Care Hospital of Southern New Mexico; and Chris Schroeder, chief operating officer and lead designer, Real Time Solutions, provided a presentation about hospital system challenges that New Mexico faces. They discussed rural hospitals' difficulties with sustaining access to health care, New Mexico's shortage of health care workers and the state's lack of primary and specialized health care services and difficulty recruiting and retaining physicians. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091823%20Item%207%20NMHA.pdf>.

Providing Behavioral Health Care in Southern New Mexico (11:12 a.m.)

Philip Huston, executive director, Carlsbad Lifehouse, presented about Carlsbad Lifehouse's background, services and programs. He discussed the behavioral health care climate in southern New Mexico, including treatment options, understaffing and challenges that are unique to the area.

Meals on Wheels (1:00 p.m.)

Shauna Frost, M.B.A., CEO, Meals on Wheels New Mexico, and Renee Ruybal, chief advancement officer, Meals on Wheels New Mexico, explained how Meals on Wheels New Mexico combats malnutrition of and loneliness for elderly people. They described future initiatives and expansion plans. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091823%20Item%209%20Meals%20on%20Wheels.pdf>.

Alzheimer's Association Update (2:07 p.m.)

Tommy Hernandez, public policy director, Alzheimer's Association, New Mexico Chapter, and Tim Sheahan, executive director, Alzheimer's Association, New Mexico Chapter, shared Alzheimer's disease statistics in New Mexico and throughout the country and recommended the creation of a dementia care specialist program in New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=9/18/2023&ItemNumber=10>.

New Mexico Alliance of Health Councils (NMAHC) (3:02 p.m.)

Valeria Alarcón, executive director, NMAHC, and Rebekah West, coordinator, Climate Change Health Impacts and Community Action Program, NMAHC, explained how local and statewide health councils advance health equity and public health in New Mexico. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091823%20Item%2011%20NMAHC.pdf>.

Approval of Minutes (3:55 p.m.)

Upon a motion made and duly seconded, and without any objections, the committee approved the minutes of the August 28-30, 2023 meeting.

Recess

The meeting recessed at 3:56 p.m.

Wednesday, September 20**Reconvene**

The meeting reconvened at 9:15 a.m.

Brainstorming Session (9:15 a.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Chaves County Court Appointed Special Advocate (CASA) (10:26 a.m.)

Yasine Armstrong, chief development officer, Chaves County CASA, discussed Chaves County CASA's work with children who are survivors of abuse and neglect. She detailed the support and services that Chaves County CASA provides for the social workers, police and other employees who work with those children.

Public Comment (10:53 a.m.)

A list of individuals making public comment is available in the meeting file.

Legislative Finance Committee (LFC) Progress Report: Addressing Substance Use Disorders (10:58 a.m.)

Rachel Mercer Garcia, program evaluator, LFC, provided a program evaluation report about substance use disorders in the state, including pertinent data and potential next steps that state agencies could consider to strengthen and expand substance use disorders programs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091823%20Item%2013%20LFC%20Substance%20Use%20Report.pdf>.

LFC Program Evaluation: Home Visiting Implementation and Expansion (12:11 p.m.)

Sarah Dinces, Ph.D., program evaluator, LFC, provided a program evaluation report about the implementation and expansion of the Early Childhood Education and Care Department's home visiting program and explained the findings and recommendations detailed in the report. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20091823%20Item%2014%20LFC%20Homevisiting%20Report.pdf>.

Adjournment

There being no further business before the committee, the meeting adjourned at 12:55 p.m.

Revised: October 13, 2023

**TENTATIVE AGENDA
for the
SIXTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**October 16-18, 2023
Stan Fulton Athletics Center's Villanueva Victory Club
New Mexico State University
1815 Wells Street
Las Cruces**

Monday, October 16

- 9:00 a.m. **Call to Order and Introductions**
—Senator Gerald Ortiz y Pino, Chair, Legislative Health and Human
Services Committee (LHHS)
—Representative Elizabeth "Liz" Thomson, Vice Chair, LHHS
- 9:15 a.m. (1) **[Welcome to New Mexico State University \(NMSU\)](#)**
—Yoshi Iwasaki, Ph.D., Inaugural Dean, College of Health, Education and
Social Transformation (HEST), NMSU
—Phillip Post, Ph.D., Associate Dean of Academic Affairs, College of
HEST, NMSU
—Elsa Arroyos, Ph.D., Department Head, Department of Counseling and
Educational Psychology, NMSU
—Becky Pearson, Department Head, Department of Public Health Sciences,
NMSU
—Monica Montoya, Co-Director, School of Social Work, NMSU
—Heike Lehnert-LeHouillier, Ph.D., Department Head, Department of
Communication Disorders, NMSU
—Chris Aiken, Ph.D., Department Head, Department of Kinesiology,
NMSU
—Madeline Chelanor, D.N.P., Founding Program Director, Nurse
Anesthesiology Program, NMSU
- 10:30 a.m. (2) **[Updates from the Office of Superintendent of Insurance \(OSI\)](#)**
—Alice T. Kane, Superintendent of Insurance, OSI
—Paige Duhamel, Esq., Health Care Policy Manager, OSI
—Colin Baillio, Director, Coverage Affordability and Expansion, OSI
- 11:45 a.m. **Public Comment***

- 12:00 noon **Working Lunch**
- (3) [Behavioral Health Solutions](#)
—Bill Treese, Chief Executive Officer (CEO), Behavioral Health Solutions
—Vicente Vargas, Executive Director, New Mexico Health Care
 Association/New Mexico Center for Assisted Living
- 1:00 p.m. (4) [Burrell College of Osteopathic Medicine \(BCOM\)](#)
—John Hummer, M.H.A., President and CEO, BCOM
- 2:30 p.m. (5) [New Mexico Association for Home and Hospice Care](#)
—Meggin Lorino, M.S.W., Executive Director, New Mexico Association
 for Home and Hospice Care
- 3:30 p.m. (6) [Anna, Age Eight Institute](#)
—Katherine Ortega Courtney, Ph.D., Co-Director, Anna, Age Eight
 Institute; Co-Developer, 100% New Mexico Initiative
- 4:30 p.m. **Brainstorming Session**
- 5:30 p.m. **Recess**

Tuesday, October 17

- 9:00 a.m. **Reconvene**
- 9:15 a.m. (7) [New Mexico Caregivers Coalition \(NMCC\)](#)
—Adrienne R. Smith, President and Chief Executive Officer, NMCC
- 10:15 a.m. (8) [Medicaid 1115 Demonstration Waiver and Developmental Disabilities Waiver Updates](#)
—Lorelei Kellogg, Director, Medical Assistance Division, Health Care
 Authority Department
—Jose Acosta, Director, Developmental Disabilities Supports Division,
 Department of Health
- 11:45 a.m. **Public Comment***
- 12:00 noon **Lunch**
- 1:00 p.m. (9) [Association of Developmental Disabilities Community Providers \(ADDCP\)](#)
—Jim Copeland, Executive Director, ADDCP
- 2:00 p.m. (10) [Disability Rights New Mexico \(DRNM\)](#)
—Tim Gardner, Director, Legal Services, DRNM
—Gary Housepian, CEO, DRNM

3:00 p.m. (11) [Dona Ana County Health and Human Services Department](#)
—Jamie Michael, Health and Human Services Director, Dona Ana County
Health and Human Services Department

4:00 p.m. **Recess**

Wednesday, October 18

8:45 a.m. **Reconvene**

9:00 a.m. (12) [LHHS Study Updates](#)
—Scott Leitz, Vice President, Health Care Programs, and Project Executive
Advisor, National Opinion Research Center (NORC)
—Chuck Betley, Senior Research Scientist and Project Manager, NORC

10:00 a.m. (13) [LHHS Study Updates](#)
—Scott Leitz, Vice President, Health Care Programs, and Project Executive
Advisor, NORC
—Elizabeth McOsker, Research Scientist, Health Care Programs, and
Project Manager, NORC

11:00 a.m. (14) [Department of Health \(DOH\) Boarding Home Update](#)
—Patrick Allen, Secretary, DOH
—Christopher Burmeister, Director, Division of Health Improvement, DOH

12:00 noon **Working Lunch**

(15) [Addressing Rising Health Care Costs](#)
—Mary Feldblum, Ph.D., Executive Director, Health Security for New
Mexicans Campaign

1:00 p.m. **Public Comment***

1:15 p.m. **Brainstorming Session**

2:15 p.m. **Adjourn**

*Members of the public may make comments during the public comment portion of the meeting by clicking the video icon beneath the meeting agenda on the LHHS [web page](#) and following instructions under the "Extra Information" section.

**MINUTES
of the
SIXTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**October 16-18, 2023
Stan Fulton Athletics Center's Villanueva Victory Club
New Mexico State University
1815 Wells Street
Las Cruces**

The sixth meeting of the Legislative Health and Human Services Committee (LHHS) was called to order by Senator Gerald Ortiz y Pino, chair, on Monday, October 16, 2023, at 9:08 a.m. at the Stan Fulton Athletics Center's Villanueva Victory Club at New Mexico State University (NMSU) in Las Cruces.

Present

Sen. Gerald Ortiz y Pino, Chair
Rep. Elizabeth "Liz" Thomson, Vice Chair
Rep. Eleanor Chávez
Sen. David M. Gallegos (10/16, 10/17)
Rep. Pamela Herndon
Sen. Martin Hickey
Rep. Jenifer Jones (10/18)

Advisory Members

Rep. John Block (10/16, 10/17)
Rep. Kathleen Cates
Rep. Joanne J. Ferrary
Rep. Tara L. Lujan (10/16, 10/17)
Sen. Shannon D. Pinto (10/16, 10/17)
Sen. Harold Pope
Sen. Nancy Rodriguez (10/16)
Rep. Harlan Vincent

Absent

Sen. Antoinette Sedillo Lopez

Rep. Gail Chasey
Sen. Katy M. Duhigg
Rep. Miguel P. García
Sen. Siah Correa Hemphill
Rep. Tara Jaramillo
Rep. D. Wonda Johnson
Sen. Linda M. Lopez
Rep. Stefani Lord
Rep. Alan T. Martinez
Rep. Cristina Parajón
Rep. Patricia Roybal Caballero
Sen. Gregg Schmedes
Sen. Elizabeth "Liz" Stefanics
Rep. Reena Szczepanski
Sen. Bill Tallman

Guest Legislator:

Rep. Micaela Lara Cadena

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Zander Dawson, Staff Attorney, Legislative Council Service (LCS)
Andrea Lazarow, Bill Drafter, LCS
Grace Balderamos, Staff, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Monday, October 16**Welcome and Introductions (9:08 a.m.)**

Senator Ortiz y Pino welcomed everyone to the meeting. Members of the committee and staff introduced themselves.

Welcome to NMSU (9:13 a.m.)

Yoshi Iwasaki, Ph.D., inaugural dean, College of Health, Education and Social Transformation (HEST), NMSU, welcomed the committee to NMSU. He and Phillip Post, Ph.D., associate dean of academic affairs, College of HEST, NMSU, gave an update about the College of HEST. Elsa Arroyos, Ph.D., department head, Department of Counseling and Educational Psychology, NMSU, discussed the services that the Department of Counseling and Educational Psychology offers to NMSU students. Becky Pearson, department head, Department of Public Health Sciences, NMSU, highlighted the mission and goals of the Department of Public Health Sciences. Heike Lehnert-LeHouillier, Ph.D., department head, Department of Communication Disorders, NMSU, gave an update on NMSU's autism diagnostic center. Chris Aiken, Ph.D., department head, Department of Kinesiology, NMSU, talked about the pre-professional preparation that the Department of Kinesiology provides to students and noted that the number of students majoring in kinesiology is increasing. Madeline Chelanor, D.N.P., founding program director, Nurse Anesthesiology Program, NMSU, discussed the Nurse Anesthesiology program's focus on rural health care. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%201%20HEST%20.pdf>

Updates from the Office of Superintendent of Insurance (OSI) (10:45 a.m.)

Paige Duhamel, Esq., health care policy manager, OSI, and Colin Baillio, director, Coverage Affordability and Expansion, OSI, explained the implementation of provisions of

Senate Bill 273 (2023) and discussed mental health parity. They provided an overview of the OSI's recent coverage-affordability initiatives and research. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%202%20OSI%20Mental%20Health%20Parity.pdf>.

Public Comment (11:59 a.m.)

A list of individuals making public comment is available in the meeting file.

Working Lunch: Behavioral Health Solutions (12:20 p.m.)

Vicente Vargas, executive director, New Mexico Health Care Association/New Mexico Center for Assisted Living; Bill Treese, chief executive officer (CEO), Behavioral Health Solutions; Kristi Kovacs, Ph.D., executive program director and co-founder, Behavioral Health Solutions; and Brian Martin, M.P.A., chief financial officer, Behavioral Health Solutions, compared and contrasted Behavioral Health Solutions' programs in New Mexico to its programs in other states. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%203%20Behavioral%20Health%20Solutions.pdf>.

Burrell College of Osteopathic Medicine (BCOM) (1:15 p.m.)

John Hummer, M.H.A., president and CEO, BCOM, and Pilar Faulkner, governmental affairs liaison, BCOM, gave an update about the BCOM's student body demographics and residency placements and highlighted the BCOM's economic contributions to the state and surrounding areas. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%204%20BCOM.pdf.pdf>.

New Mexico Association for Home and Hospice Care (2:03 p.m.)

Meggyn Lorino, M.S.W., executive director, New Mexico Association for Home and Hospice Care; Amy Corbin, member at large, Community HomeCare; and Phil London, Evangelical Lutheran Good Samaritan Society, emphasized the importance of home health care and described challenges faced by personal care service providers. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%205%20NMAH&HC.pdf>.

Anna, Age Eight Institute (3:31 p.m.)

Katherine Ortega Courtney, Ph.D., co-director, Anna, Age Eight Institute, and co-developer, 100% New Mexico Initiative, discussed the 100% New Mexico Initiative's mission to decrease adverse social determinants of health in New Mexico and the initiative's recently administered 100% community survey. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%206%20Anna,%20Age%20Eight.pdf>.

Approval of Minutes (4:15 p.m.)

Upon a motion made and duly seconded, and without any objections, the committee approved the minutes of the September 18-20, 2023 meeting.

Brainstorming Session (4:25 p.m.)

Representative Cates led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Recess

The meeting recessed at 4:41 p.m.

Tuesday, October 17**Reconvene**

The meeting reconvened at 9:16 a.m.

New Mexico Caregivers Coalition (NMCC) (9:17 a.m.)

Adrienne R. Smith, president and CEO, NMCC, explained how expanding Medicaid to cover personal care services could improve the personal care services workforce. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%207%20NMCC.pdf>.

Medicaid 1115 Demonstration Waiver and Developmental Disabilities Waiver Updates (10:15 a.m.)

Lorelei Kellogg, director, Medical Assistance Division, Health Care Authority Department, and Jose Acosta, director, Developmental Disabilities Supports Division, Department of Health (DOH), explained updates to the Medicaid 1115 demonstration waiver and developmental disabilities waiver and changes that will occur as the Human Services Department transitions to the Health Care Authority Department. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%208%20Waiver%20Updates.pdf>.

Public Comment (11:56 a.m.)

A list of individuals making public comment is available in the meeting file.

Association of Developmental Disabilities Community Providers (ADDCP) (1:10 p.m.)

Jim Copeland, executive director, ADDCP, explained the ADDCP's concerns about the state's current systems of care for individuals who have intellectual and developmental disabilities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%209%20ADDCP.pdf>.

Disability Rights New Mexico (DRNM) (2:14 p.m.)

Gary Housepian, CEO, DRNM, and Tim Gardner, director, Legal Services, DRNM, discussed boarding home licensure, funding for the developmental disabilities waiver, managed care organization oversight and responsiveness and the implementation of the *Kevin S.* settlement. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%2010%20DRNM.pdf>.

Dona Ana County Health and Human Services Department (3:26 p.m.)

Jamie Michael, health and human services director, Dona Ana County Health and Human Services Department, provided information about programs and services that the Dona Ana County Health and Human Services Department offers, such as the health care assistance program and crisis triage center. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%2011%20Dona%20Ana%20County.pdf>.

Recess

The meeting recessed at 4:19 p.m.

Wednesday, October 18**Reconvene**

The meeting reconvened at 9:09 a.m.

LHHS Study Updates (9:10 a.m.)

Scott Leitz, vice president, Health Care Programs, and project executive advisor, National Opinion Research Center (NORC); Megan Stead, senior research director and project director, NORC; and Chuck Betley, senior research scientist and project manager, NORC, provided a report on analyses related to health care cost drivers in New Mexico that included information about the feasibility of global budgets for rural hospitals in the state. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%2012%20Global%20Budget%20Study.pdf>.

LHHS Study Updates (10:32 a.m.)

Mr. Leitz and Elizabeth McOsker, research scientist, Health Care Programs, and project manager, NORC, provided a report on analyses related to health care cost drivers in New Mexico that included methods to reduce administrative costs in the state's health care system. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%2013%20Administrative%20Costs%20Study.pdf>.

DOH Boarding Home Update (11:19 a.m.)

Patrick Allen, secretary, DOH, and Christopher Burmeister, director, Division of Health Improvement, DOH, discussed the history of boarding homes in New Mexico, how boarding homes in the state currently operate, the possible future of boarding homes and how other states regulate boarding homes. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%2014%20DOH%20Boarding%20Homes.pdf>.

Public Comment (12:02 p.m.)

A list of individuals making public comment is available in the meeting file.

Working Lunch: Addressing Rising Health Care Costs (12:33 p.m.)

Mary Feldblum, Ph.D., executive director, Health Security for New Mexicans Campaign, described key health care cost drivers in New Mexico and possible policy solutions to address them. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20101623%20Item%2015%20Cost%20Drivers.pdf>.

Brainstorming Session (1:24 p.m.)

Senator Ortiz y Pino led the committee in a brainstorming session focused on potential legislation that could address the issues presented to the committee.

Adjournment

There being no further business before the committee, the meeting adjourned at 1:31 p.m.

Revised: November 29, 2023

**TENTATIVE AGENDA
for the
SEVENTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**November 28-29, 2023
State Capitol, Room 321
Santa Fe**

**November 30-December 1, 2023
State Capitol, Room 307
Santa Fe**

Tuesday, November 28 — State Capitol, Room 321

- 8:45 a.m. **Call to Order and Introductions**
—Senator Gerald Ortiz y Pino, Chair, Legislative Health and Human Services Committee (LHHS)
—Representative Elizabeth "Liz" Thomson, Vice Chair, LHHS
- 9:00 a.m. (1) **The Business of Health Care**
—Colonel Michaela Shafer, Ph.D., R.N.
—Theresa Hacsí, Attorney, Patient Advocate
- 10:00 a.m. (2) **Expanding Drug Donation**
—Cameron Crandall, M.D., Regents' Professor and Vice Chair, Department of Emergency Medicine, University of New Mexico (UNM) School of Medicine
—Andrea Howard, Medical Student, UNM School of Medicine
- 11:00 a.m. (3) **Prescription Drug Purchasing Report**
—Dorothy Moller, Health Care Consultant, DMoller Associates
—Senator Martin Hickey
- 12:00 noon **Working Lunch**
(4) **Program of All-Inclusive Care for the Elderly (PACE)**
—Judy Kohn, Chief Strategy Officer, Kinship Health
—David Beijer, Senior Director, Strategy, Kinship Health
- 1:00 p.m. (5) **Reducing Prescription Drug Prices**
—Barbara L. McAneny, M.D., Chair, New Mexico Prescription Drug Price Task Force; Former President, American Medical Association; and Chief Executive Officer, New Mexico Oncology Hematology Consultants, Ltd.

2:15 p.m. **Public Comment**

2:30 p.m. (6) **[Health Care and the Environment](#)**
—Charles Goodmacher, M.A., New Mexico Environmental Public Health Network
—Shelly Mann-Lev, M.P.H., Executive Director, New Mexico Health Professionals for Climate Action

3:30 p.m. (7) **[Senate Memorial 30 \(2023\) Brain Injury Report](#)**
—Lisa McNiven, M.P.A., Deputy Director, Governor's Commission on Disability
—Emily Stern, M.F.A., Justice, Equity, Diversity and Inclusion Coordinator, Early Childhood Education and Care Department
—Austin Davis, M.D., Assistant Professor, Physical Medicine and Rehabilitation Division, Department of Orthopaedics and Rehabilitation, UNM Health Sciences Center
—Mark Pedrotty, Ph.D., Brain Injury Alliance of New Mexico

4:30 p.m. (8) **[Feeding New Mexico](#)**
—Katy Anderson, Chief Programs Officer, Roadrunner Food Bank
—Sherry Hooper, Executive Director, The Food Depot

5:30 p.m. **Recess**

Wednesday, November 29 — State Capitol, Room 321

8:45 a.m. **Reconvene**

9:00 a.m. (9) **[Compliance with the Federal Prison Rape Elimination Act of 2003](#)**
—Alexandria Taylor, M.P.A., L.M.S.W., Executive Director, New Mexico Coalition of Sexual Assault Programs
—Representative Gail Chasey, House Majority Floor Leader

9:45 a.m. (10) **[Maternal Mortality](#)**
—Alanna Dancis, C.N.P., Medical Director, Medical Assistance Division, Health Care Authority Department
—Abigail Reese, Ph.D., Manager, Maternal Health Program, Family Health Bureau, Public Health Division, Department of Health (DOH)
—Sunshine Muse, Executive Director, New Mexico Birth Equity Collaborative

11:45 a.m. **Public Comment**

- 12:00 noon **Working Lunch**
- (11) [House Memorial 5 \(2023\) Report on Co-occurring Developmental Disabilities and Mental Health Issues](#)
—Patrick Allen, Secretary, DOH
—Jose Acosta, Director, Developmental Disabilities Supports Division (DDSD), DOH
—Susan Seefeldt, Chief, Bureau of Behavioral Support, DDSD, DOH
- 1:00 p.m. (12) [Higher Education Department Reports on Expanding Behavioral Health Education](#)
—Patricia Trujillo, Ph.D., Acting Secretary, Higher Education Department (HED)
—Gerald Hoehne, Acting Deputy Secretary, HED
- 2:00 p.m. (13) [Observations on the Jail Diversion Program in Miami-Dade County, Florida](#)
—Representative Jenifer Jones
- 2:30 p.m. (14) [Youth Empowerment](#)
—Keila Aguirre
—Luca Martinez
—Amberlynn Jaramillo
—Valerie Padilla
—Audreena Medina
—Saygen Ruvalcaba, New Mexico Dream Team
—Brad Louis, Santa Fe Indian School Leadership Institute
—Barbara Ramirez, Generation Justice
—Elijah Cage, Generation Justice
- 3:30 p.m. (15) [Solutions to the Housing Crisis](#)
—Cathryn McGill, Executive Director, New Mexico Black Leadership Council
—Jack Champagne, Uplift Director, New Mexico Black Leadership Council
- 4:30 p.m. (16) [Prescription Drug Price Transparency](#)
—Barbara K. Webber, M.S., Executive Director, Health Action New Mexico
—Gabrielle Rivera, M.P.P., Communications and Policy Analyst, Health Action New Mexico
- 5:00 p.m. **Recess**
- Thursday, November 30 — State Capitol, Room 307**
- 8:30 a.m. **Reconvene**

- 8:45 a.m. (17) [Medication-Assisted Treatment Expansion](#)
—Grace Philips, General Counsel, New Mexico Association of Counties
—TBD, Corrections Department
—Melissa Heinz, Health Care Authority Department
—Patrick Allen, Secretary, DOH
—Miranda Durham, Chief Medical Officer, DOH
- 10:15 a.m. (18) [The Human Services Department's Transition to the Health Care Authority Department](#)
—Kari Armijo, Acting Secretary, Health Care Authority Department
- 11:45 a.m. **Public Comment**
- 12:00 noon **Lunch**
- 1:00 p.m. (19) [Project ECHO](#)
—Sanjeev Arora, M.D., Founder and Executive Director, Project ECHO,
and Professor, UNM School of Medicine
- 2:30 p.m. (20) [Governor's Office Health Care Initiatives](#)
—Gina DeBlassie, Health Policy Advisor, Office of the Governor
- 3:30 p.m. (21) [Health Care Gross Receipts Tax](#)
—Mark Chaiken, Director, Tax Policy, Taxation and Revenue Department
- 4:30 p.m. **Recess**

Friday, December 1 — State Capitol, Room 307

- 8:45 a.m. **Reconvene**
- 9:00 a.m. (22) [Provider Reimbursement Interim Report](#)
—Mike Romano, Director and Engagement Director and Provider Access
Review Lead, Guidehouse
—Coy Jones, Director and Provider Rate Benchmarking Analysis Lead,
Guidehouse
—Josh Mihm, Managing Consultant and Provider Rate Benchmarking
Analyst, Guidehouse
—Hanford Lin, Partner and Engagement Executive, Guidehouse
- 10:00 a.m. (23) [Expanding Medication-Assisted Treatment for Minors](#)
—Nathan Birnbaum, M.D., A.A.H.I.V.S., Assistant Professor, Department
of Family and Community Medicine, UNM
—Chloe Stoffel, D.O., F.A.A.P., Assistant Professor, Department of
Pediatrics, and Medical Director, Averting Disparities in Outcomes by
Building Engagement Program, UNM School of Medicine

- 11:00 a.m. (24) [Global Budgeting in Rural Hospitals Report](#)
—Scott Leitz, Vice President, Health Care Programs, and Project Executive Advisor, National Opinion Research Center (NORC)
—Chuck Betley, Senior Research Scientist and Project Manager, NORC
- 12:00 noon (25) [Reducing Administrative Costs in Health Care Report](#)
—Scott Leitz, Vice President, Health Care Programs, and Project Executive Advisor, NORC
—Elizabeth McOsker, Research Scientist, Health Care Programs, and Project Manager, NORC
- 1:00 p.m. (26) [LHHS Study Update](#)
—Karen Wells, Project Coordinator, Legislative Council Service
- 1:30 p.m. **Lunch**
- 2:00 p.m. (27) [UNM Office of the Medical Investigator](#)
—Heather S. Jarrell, M.D., Chief Medical Investigator, Office of the State Medical Investigator; Director of Neuropathology and Associate Professor, Department of Pathology, UNM School of Medicine
- 2:30 p.m. **Public Comment**
- 3:00 p.m. (28) [Consideration of Legislation for Endorsement](#)
- 4:00 p.m. **Adjourn**

MINUTES
of the
SEVENTH MEETING
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

November 28-29, 2023
State Capitol, Room 321
Santa Fe

November 30-December 1, 2023
State Capitol, Room 307
Santa Fe

The seventh meeting of the Legislative Health and Human Services Committee (LHHS) was called to order by Senator Gerald Ortiz y Pino, chair, on Tuesday, November 28, 2023, at 9:09 a.m. in Room 321 of the State Capitol in Santa Fe.

Present

Sen. Gerald Ortiz y Pino, Chair
Rep. Elizabeth "Liz" Thomson, Vice Chair
Rep. Eleanor Chávez
Sen. David M. Gallegos (11/29, 11/30)
Rep. Pamelya Herndon
Sen. Martin Hickey
Rep. Jenifer Jones
Sen. Antoinette Sedillo Lopez (11/28, 11/29)

Absent

Advisory Members

Rep. John Block
Rep. Kathleen Cates
Rep. Gail Chasey (11/28, 11/29, 11/30)
Rep. Joanne J. Ferrary
Rep. Miguel P. García (12/1)
Rep. D. Wonda Johnson (12/1)
Sen. Linda M. López (11/29, 12/1)
Rep. Stefani Lord (11/28, 12/1)
Rep. Tara L. Lujan (11/28, 11/29)
Rep. Alan T. Martinez
Rep. Cristina Parajón (11/30, 12/1)
Sen. Harold Pope
Sen. Nancy Rodriguez (11/30, 12/1)
Sen. Elizabeth "Liz" Stefanics
Sen. Bill Tallman (11/29, 11/30)
Rep. Harlan Vincent

Sen. Katy M. Duhigg
Sen. Siah Correa Hemphill
Rep. Tara Jaramillo
Sen. Shannon D. Pinto
Rep. Patricia Roybal Caballero
Sen. Gregg Schmedes
Rep. Reena Szczepanski

Guest Legislator

Rep. Micaela Lara Cadena (11/29, 11/30)

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Zander Dawson, Staff Attorney, Legislative Council Service (LCS)

Andrea Lazarow, Bill Drafter, LCS

Grace Balderamos, Staff, LCS

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Tuesday, November 28 — State Capitol, Room 321

Welcome and Introductions (9:10 a.m.)

Senator Ortiz y Pino welcomed everyone to the meeting. Members of the committee and staff introduced themselves.

The Business of Health Care (9:20 a.m.)

Theresa Hacsí, attorney and patient advocate, and Colonel Michaela Shafer, Ph.D., R.N., discussed how profit-driven, corporatized medicine negatively impacts health care providers and patients. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%201%20Business%20of%20Medicine.pdf>.

Expanding Drug Donation (10:36 a.m.)

Cameron Crandall, M.D., regents' professor and vice chair, Department of Emergency Medicine, University of New Mexico (UNM) School of Medicine (SOM), introduced Andrea Howard, medical student, UNM SOM. Krista Dominguez-Salazar, Pharm.D., clinician educator

and associate professor, Pharmacy Practice and Administrative Sciences, UNM College of Pharmacy (COP), introduced Tomanda Sandoval, pharmacy student, UNM COP, and Marissa Martinez, pharmacy student, UNM COP. Ms. Howard, Ms. Sandoval and Ms. Martinez offered suggestions for revising New Mexico's drug donation policies. Dr. Crandall introduced David Gummin, M.D., professor of emergency medicine, UNM SOM, and Joseph Lambson, Pharm.D., assistant professor, UNM COP, as the new medical director and director, respectively, of the New Mexico Poison and Drug Information Center. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2023&ItemNumber=2>.

Prescribing Drug Purchasing Report (11:36 a.m.)

Dorothy Moller, health care consultant, DMoller Associates; Anne Sapon, health care consultant; and Senator Hickey provided an assessment of pharmaceutical purchasing methods and potential solutions to increase transparency in the pharmaceutical industry. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2023&ItemNumber=3>.

Working Lunch: Program of All-Inclusive Care for the Elderly (PACE) (12:27 p.m.)

Judy Kohn, chief strategy officer, Kinship Health, and David Beijer, senior director, Strategy, Kinship Health, described how Kinship Health gives comprehensive, holistic, at-home care for elderly people. They provided information about PACE, which is administered by the Health Care Authority Department (HCA) and offers long-term services to Medicaid and Medicare enrollees. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%204%20PACE.pdf>.

Reducing Prescription Drug Prices (1:16 p.m.)

Barbara L. McAneny, M.D., chair, New Mexico Prescription Drug Price Task Force; former president, American Medical Association; and chief executive officer, New Mexico Oncology Hematology Consultants, Ltd., discussed prescription drug pricing reform, including federal legislation focused on regulating pharmacy benefits managers and steps New Mexico can take to increase transparency of pharmacy benefits managers. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2023&ItemNumber=5>.

Public Comment (2:12 p.m.)

A list of individuals making public comment is available in the meeting file.

Health Care and the Environment (2:40 p.m.)

Charles Goodmacher, M.A., New Mexico Environmental Public Health Network, and Shelly Mann-Lev, M.P.H., executive director, New Mexico Health Professionals for Climate Action, explained how weather events and climate change affect human health. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%206%20Public%20Health%20and%20Community%20Preparedness.pdf>

Approval of Minutes (3:15 p.m.)

Upon a motion made and duly seconded, and without any objections, the committee approved the minutes of the October 16-18, 2023 meeting.

Senate Memorial 30 (2023) Brain Injury Report (3:26 p.m.)

Lisa McNiven, M.P.A., deputy director, Governor's Commission on Disability; Emily Stern, M.F.A., justice, equity, diversity and inclusion coordinator, Early Childhood Education and Care Department; W. Austin Davis, M.D., assistant professor, Physical Medicine and Rehabilitation Division, Department of Orthopaedics and Rehabilitation, UNM Health Sciences Center; and Mark Pedrotty, Ph.D., Brain Injury Alliance of New Mexico, presented a report pursuant to Senate Memorial 30 (2023) about the feasibility of providing comprehensive coverage for brain injury services and establishing a brain injury registry in New Mexico. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2023&ItemNumber=7>.

Feeding New Mexico (4:46 p.m.)

Katy Anderson, chief programs officer, Roadrunner Food Bank, and Sherry Hooper, executive director, The Food Depot, described food support resources that are available in New Mexico and emphasized the need for accessible food banks. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%208%20Food%20Support.pdf>.

Recess

The meeting recessed at 5:36 p.m.

Wednesday, November 29 — State Capitol, Room 321**Reconvene**

The meeting reconvened at 9:04 a.m.

Compliance with the Federal Prison Rape Elimination Act of 2003 (9:45 a.m.)

Alexandria Taylor, M.P.A., L.M.S.W., executive director, New Mexico Coalition of Sexual Assault Programs, and Senator Pope discussed findings and plans of the task force convened pursuant to House Memorial 40 (2023) and Senate Memorial 37 (2023) to improve

New Mexico correctional facilities' compliance with the federal Prison Rape Elimination Act of 2023. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%209%20CSAP.pdf>.

Maternal Mortality (10:24 a.m.)

Alanna Dancis, C.N.P., medical director, Medical Assistance Division, HCA, and Abigail Reese, Ph.D., manager, Maternal Health Program, Family Health Bureau, Public Health Division, Department of Health (DOH), presented the maternal mortality review committee's annual report and discussed access to maternal and postpartum health care and the HCA's maternal health initiatives. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2023&ItemNumber=10>.

Public Comment (11:56 a.m.)

A list of individuals making public comment is available in the meeting file.

Working Lunch: House Memorial 5 (2023) Report on Co-occurring Developmental Disabilities and Mental Health Issues (12:38 p.m.)

Patrick Allen, secretary, DOH; Jose Acosta, director, Developmental Disabilities Supports Division (DDSD), DOH; and Susan Seefeldt, chief, Bureau of Behavioral Support, DDSD, DOH, presented a report by a task force convened pursuant to House Memorial 5 (2023) to study the feasibility of requiring some mental health and developmental disability providers to be trained in the treatment of people with developmental disabilities and co-occurring mental health issues. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2023&ItemNumber=11>.

Higher Education Department (HED) Reports on Expanding Behavioral Health Education (1:39 p.m.)

Patricia Trujillo, Ph.D., acting secretary, HED, and Gerald Hoehne, acting deputy secretary, HED, gave an update about school-based health centers and future studies that the HED hopes to conduct.

Observations on the Jail Diversion Program in Miami-Dade County, Florida (1:54 p.m.)

Representative Jones shared her experience visiting the Miami Center for Mental Health and Recovery to learn about the Miami-Dade County Jail Diversion Program. Noah Painter-Davis, Ph.D., associate professor, Department of Sociology and Criminology, UNM, and Connie

Elizabeth Vigil, behavioral health master plan coordinator, Bernalillo County Behavioral Health Committee, and president, Greater Albuquerque Business Alliance, provided information about the program. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2023&ItemNumber=13>.

Youth Empowerment (2:42 p.m.)

Roberta Rael, director and founder, Generation Justice, introduced a group of high school and undergraduate students who are members of Generation Justice, and the students voiced their concerns about issues affecting youth in New Mexico. Brad Louis, Santa Fe Indian School Leadership Institute, discussed low academic achievement. Barbara Ramirez, Generation Justice, discussed funding health care services. Elijah Cage, Generation Justice, discussed gun violence and school shootings. Saygen Ruvalcaba, New Mexico Dream Team, discussed protecting immigrants. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%2014%20Generation%20Justice.pdf>.

Cynthia Lentini, program co-director, National Latino Behavioral Health Association (NLBHA), introduced a group of high school students who are members of the NLBHA, and the students voiced their concerns about issues affecting youth in New Mexico. Keila Aguirre, NLBHA; Amberlynn Jaramillo, NLBHA; and Luca Martinez, NLBHA, shared a homemade video promoting mental and behavioral health awareness in youth and shared their experiences with mental health awareness in Hispanic communities.

Solutions to the Housing Crisis (3:34 p.m.)

Cathryn McGill, executive director, New Mexico Black Leadership Council (NMBLC); Jack Champagne, uplift director, NMBLC; and Charlton Simmons, coordinator, Community Schools, Albuquerque Public School District, offered policy suggestions to prevent homelessness and housing insecurity, such as creating landlord-tenant resource centers. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%2015%20NMBLC.pdf>.

Prescription Drug Price Transparency (4:31 p.m.)

Barbara K. Webber, M.S., executive director, Health Action New Mexico, and Gabriella Rivera, M.P.P., communications and policy analyst, Health Action New Mexico, provided information about Health Action New Mexico's coalition called New Mexico Consumers for Affordable Prescriptions Coalition, which advocates for prescription drug affordability and price transparency. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%2016%20Drug%20Price%20Transparency.pdf>.

Recess

The meeting recessed at 4:52 p.m.

Thursday, November 30 — State Capitol, Room 307**Reconvene**

The meeting reconvened at 9:26 a.m.

Medication-Assisted Treatment Expansion (9:27 a.m.)

Secretary Allen; Miranda Durham, M.D., chief medical officer, DOH; Melissa Heinz, HCA; Grace Philips, general counsel, New Mexico Counties; Leslie Hayes, M.D., El Centro Family Health; and Nathan Birnbaum, M.D., A.A.H.I.V.S., assistant professor, Department of Family and Community Medicine, UNM, gave an update about the DOH's Southwest Pathways program and funding streams and objectives for the expansion of medication-assisted treatment. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2023&ItemNumber=17>.

The Human Services Department's Transition to the HCA (10:49 a.m.)

Kari Armijo, acting secretary, HCA, explained the process and logistics of the Human Services Department's transition to the HCA and goals that the HCA hopes to accomplish when the transition is complete. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%2018%20HCA.pdf>.

Public Comment (12:40 p.m.)

A list of individuals making public comment is available in the meeting file.

Project ECHO (1:10 p.m.)

Sanjeev Arora, M.D., founder and executive director, Project ECHO, and professor, UNM SOM; Matt Bouchonville, M.D., Division of Endocrinology and Metabolism, UNM, and medical director, Endocrinology teleECHO Program, Project ECHO; Dr. Hayes; and Dorothy Martinez, community health worker, gave an update about the expansion and impact of Project ECHO. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%2019%20ECHO.pdf>.

Governor's Office Health Care Initiatives (2:40 p.m.)

Gina DeBlassie, health policy advisor, Office of the Governor, provided legislative recommendations regarding the HCA, the Health Care Affordability Fund, health entity mergers and acquisitions and creating a hospital provider tax. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%2020%20Health%20Care%20Initiatives.pdf>.

Health Care Gross Receipts Tax (3:19 p.m.)

Mark Chaiken, director, Tax Policy, Taxation and Revenue Department, discussed health care gross receipts taxation, tax incentives for hospitals, deductions specific to the health care industry and changes to the taxation of hospitals that resulted from the implementation of House Bill 6 (2019). The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%2021%20Health%20Care%20Tax.pdf>.

Recess

The meeting recessed at 4:13 p.m.

Friday, December 1 — State Capitol, Room 307

Reconvene

The meeting reconvened at 9:12 a.m.

Provider Reimbursement Interim Report (9:14 a.m.)

Mike Romano, director and engagement director and provider access review lead, Guidehouse; Coy Jones, director and provider rate benchmarking analysis lead, Guidehouse; Hanford Lin, partner and engagement executive, Guidehouse; and Josh Mihm, managing consultant and provider rate benchmarking analyst, Guidehouse, explained the results of Guidehouse's study analyzing New Mexico's physician and advanced practice provider reimbursement rates and the adequacy of those rates compared to similar rates around the country. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%2022%20Guidehouse.pdf>.

Expanding Medication-Assisted Treatment for Minors (10:31 a.m.)

Dr. Birnbaum and Chloe Stoffel, D.O., F.A.A.P., assistant professor, Department of Pediatrics, and medical director, Averting Disparities in Outcomes by Building Engagement Program, UNM SOM, proposed ideas for legislation to improve access and reduce barriers to medication-assisted treatment for minors with substance abuse disorder. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%2023%20MAT.pdf>.

Reducing Administrative Costs in Health Care Report (11:29 a.m.)

Scott Leitz, vice president, Health Care Programs, and project executive advisor, National Opinion Research Center (NORC); Elizabeth McOsker, research scientist, Health Care Programs, and project manager, NORC; and Megan Stead, senior research director and project

director, NORC, provided the NORC's report analyzing methods of reducing administrative costs in New Mexico's health care system. They presented key findings and provided recommendations. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2023&ItemNumber=25>.

Global Budgeting in Rural Hospitals Report (12:52 p.m.)

Mr. Leitz and Chuck Betley, senior research scientist and project manager, NORC, presented the NORC's report analyzing the feasibility of implementing a global budgeting system for rural hospitals in New Mexico. They discussed the study that the NORC conducted for the report and explained their financial analysis. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LHHS&Date=11/28/2023&ItemNumber=24>.

LHHS Study Update (1:27 p.m.)

Karen Wells, project coordinator, LCS, thanked the committee and the NORC for their work on the studies about reducing administrative costs in health care and global budgeting in rural hospitals. Senator Ortiz y Pino and Senator Hickey discussed the future of those studies and mentioned future studies the committee could consider.

UNM Office of the Medical Investigator (OMI) (1:46 p.m.)

Heather S. Jarrell, M.D., chief medical investigator, OMI, and director of neuropathology and associate professor, Department of Pathology, UNM SOM, provided an update about the OMI, including the office's caseload and equipment needs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LHHS%20112823%20Item%2027%20OMI.pdf>.

Public Comment (2:04 p.m.)

A list of individuals making public comment is available in the meeting file.

Consideration of Legislation for Endorsement (2:10 p.m.)

Committee members discussed legislation for endorsement. The endorsed legislation can be found here:

https://www.nmlegis.gov/Committee/endorsed_legislation?CommitteeCode=LHHS&Year=2024.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:41 p.m.

ENDORSED LEGISLATION

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE INDIAN AFFAIRS COMMITTEE
AND THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR COUNTY
AND TRIBAL HEALTH COUNCILS STATEWIDE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. APPROPRIATION.--

A. The following amounts are appropriated from the
general fund to the department of health for expenditure in
fiscal year 2025 for the following purposes:

(1) six million dollars (\$6,000,000) to fund
and support county and tribal health councils statewide to
carry out the functions as stated in the County and Tribal
Health Councils Act. Funding may be used to:

(a) provide salaries and benefits for
staff positions;

(b) cover travel, supplies and other

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1 program-related expenses;

2 (c) provide community education and
3 communications; and

4 (d) cover other indirect expenses a
5 county or tribal health council may experience; and

6 (2) six hundred thousand dollars (\$600,000)
7 for the department to contract with a nonprofit organization
8 to:

9 (a) provide training, technical
10 assistance and other supports to county and tribal health
11 councils;

12 (b) assist in the development of a
13 system to evaluate the effectiveness and impact of health
14 councils and to gather necessary evaluation data using success
15 indicators and qualitative and quantitative measures; and

16 (c) strengthen community-based health
17 planning and self-determination by measuring the health
18 councils' performance in capacity building and quality of
19 community health plans.

20 B. Any unexpended or unencumbered balance remaining
21 at the end of fiscal year 2025 shall revert to the general
22 fund.

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO LABOR; REQUIRING THE HEALTH CARE AUTHORITY DEPARTMENT TO COLLECT AND REPORT DATA RELATING TO THE DIRECT CARE WORKER WORKFORCE; REQUIRING A BIENNIAL PERSONAL CARE SERVICES COST STUDY; REQUIRING THE HEALTH CARE AUTHORITY DEPARTMENT TO IMPLEMENT THE COST STUDY'S RECOMMENDATIONS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. ~~[NEW MATERIAL]~~ DEFINITIONS.--As used in Sections 1 through 3 of this 2024 act:

A. "department" means the health care authority department;

B. "direct care worker" means a non-administrative employee of a personal care service provider agency who spends the majority of the employee's work hours providing personal

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1 care services to individuals;

2 C. "personal care service" means services provided
3 to an individual to assist with the instrumental activities of
4 daily living; and

5 D. "personal care service provider agency" means an
6 entity that:

7 (1) has entered into a medicaid provider
8 participation agreement with the medical assistance division of
9 the department and:

10 (a) is contracted with a managed care
11 organization to provide personal care services to medicaid
12 recipients; or

13 (b) provides personal care services to
14 medicaid recipients through fee-for-service arrangements;

15 (2) is reimbursed for personal care services
16 provided to individuals covered by medicaid; and

17 (3) employs direct care workers to provide
18 personal care services to individuals covered by medicaid.

19 SECTION 2. [NEW MATERIAL] DATA COLLECTION AND
20 REPORTING.--

21 A. By April 1, 2025, and annually thereafter, each
22 personal care service provider agency shall submit data to a
23 third-party contractor engaged by the department, in a form and
24 manner prescribed to the department, regarding direct care
25 workers. The data shall include:

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1 (1) the number of full-time and part-time
2 direct care workers employed at any time during the previous
3 calendar year;

4 (2) the percentage of the previous calendar
5 year that each employee was employed at the agency;

6 (3) the total length of employment for each
7 employee as of the end of the previous calendar year;

8 (4) disaggregated demographic information on
9 direct care workers that includes:

10 (a) age;

11 (b) gender;

12 (c) race and ethnicity; and

13 (d) education level;

14 (5) the hourly wage paid to each direct care
15 worker during the previous calendar year;

16 (6) employee benefits provided to direct care
17 workers in the previous calendar year; and

18 (7) the number of vacant direct care worker
19 positions that the personal care service provider agency had
20 not filled as of the end of the previous calendar year.

21 B. The format for data reporting shall provide for
22 sufficient confidentiality to protect both an individual direct
23 care worker's identifying information and an individual
24 personal care service provider agency's identity.

25 C. The department shall review and analyze the data

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1 submitted by personal care service provider agencies and submit
2 a report by September 1, 2025, and September 1 of each
3 subsequent year, to the legislative health and human services
4 committee, the legislative finance committee and the governor
5 concerning the direct care workforce. The report shall
6 include:

7 (1) the total number of full-time and part-
8 time direct care workers in the state;

9 (2) a demographic analysis of the direct care
10 worker workforce;

11 (3) the highest, lowest and average hourly
12 wage paid to direct care workers;

13 (4) the average length of employment for
14 direct care workers;

15 (5) the vacancy and turnover rates for direct
16 care workers; and

17 (6) the availability and type of benefits
18 provided by personal care service provider agencies to direct
19 care workers.

20 SECTION 3. [NEW MATERIAL] COST STUDY AND RATE
21 DETERMINATION.--

22 A. The department shall contract for an independent
23 biennial cost study for the purposes of determining the cost of
24 providing personal care services and recommending reimbursement
25 rates for personal care service provider agencies to cover

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1 those costs. The contract for the initial cost study shall be
2 executed no later than December 31, 2024. Recommended
3 reimbursement rates from the cost study shall include
4 consideration of the following factors:

5 (1) the additional costs that would be
6 incurred by personal care service provider agencies if direct
7 care workers employed by personal care service provider
8 agencies were to be paid at least one hundred fifty percent of
9 the state minimum wage;

10 (2) recent and projected changes in costs due
11 to factors that include direct and indirect costs, inflation
12 and changes in the applicable minimum wage; and

13 (3) direct care worker vacancies that affect
14 personal care service provider agency costs.

15 B. The department's budget request for each fiscal
16 year shall include sufficient funding to implement the most
17 recent cost study's recommended reimbursement rates that would
18 allow all direct care workers employed by personal care service
19 provider agencies to be paid at least one hundred fifty percent
20 of the state minimum wage.

21 C. If sufficient funds have been appropriated to
22 implement the reimbursement rates recommended by the most
23 recent cost study, the department shall adjust capitation
24 payments to managed care organizations to allow the managed
25 care organizations to pay in-network personal care service

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1 provider agencies the cost study's recommended reimbursement
2 rates for personal care services, subject to approval by the
3 federal centers for medicare and medicaid services. If the
4 department determines that there is not a sufficient level of
5 funding to support capitation payments that fully implement the
6 personal care service reimbursement rates recommended by the
7 most recent cost study, the department shall adjust the
8 capitation rates as favorably as possible based on the level of
9 funding available, subject to approval by the federal centers
10 for medicare and medicaid services.

11 SECTION 4. APPROPRIATION.--Four hundred thousand dollars
12 (\$400,000) is appropriated from the general fund to the health
13 care authority department for expenditure in fiscal year 2025
14 to contract for an independent cost study that determines the
15 cost of providing personal care services and recommends
16 reimbursement rates that are sufficient to cover the cost of
17 providing personal care services. Any unexpended or
18 unencumbered balance remaining at the end of fiscal year 2025
19 shall revert to the general fund.

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO TAXATION; ADDING CERTAIN PHARMACISTS, REGISTERED NURSES, SOCIAL WORKERS, BEHAVIORAL HEALTH COUNSELORS AND THERAPISTS AND PHYSICAL THERAPISTS TO THE RURAL HEALTH CARE PRACTITIONER TAX CREDIT; MODIFYING THE REQUIREMENTS FOR RECEIVING THE RURAL HEALTH CARE PRACTITIONER TAX CREDIT; INCREASING DATA COLLECTION AND REPORTING REQUIREMENTS FOR THE TAXATION AND REVENUE DEPARTMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 7-2-18.22 NMSA 1978 (being Laws 2007, Chapter 361, Section 2) is amended to read:

"7-2-18.22. [~~TAX CREDIT~~] RURAL HEALTH CARE PRACTITIONER TAX CREDIT.--

A. A taxpayer who files an individual New Mexico tax return, who is not a dependent of another individual, who

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1 is an eligible health care practitioner and who has provided
2 health care services in New Mexico in a rural health care
3 underserved area in a taxable year may claim a credit against
4 the tax liability imposed by the Income Tax Act. The credit
5 provided in this section may be referred to as the "rural
6 health care practitioner tax credit".

7 B. The rural health care practitioner tax credit
8 may be claimed and allowed in an amount that shall not exceed:

9 (1) five thousand dollars (\$5,000) for all
10 [~~eligible~~] physicians, osteopathic physicians, dentists,
11 clinical psychologists, podiatrists and optometrists who
12 qualify pursuant to the provisions of this section [~~except the~~
13 ~~credit shall not exceed~~] and have provided health care during a
14 taxable year for at least one thousand five hundred eighty-four
15 hours at a practice site located in an approved rural health
16 care underserved area. Eligible health care practitioners
17 listed in this paragraph who provided health care services for
18 at least seven hundred ninety-two hours but less than one
19 thousand five hundred eighty-four hours at a practice site
20 located in an approved rural health care underserved area
21 during a taxable year are eligible for one-half of the tax
22 credit amount; and

23 (2) three thousand dollars (\$3,000) for all
24 [~~eligible~~] pharmacists, dental hygienists, physician
25 assistants, certified nurse-midwives, certified registered

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1 nurse anesthetists, certified nurse practitioners, ~~[and]~~
2 clinical nurse specialists, registered nurses, licensed
3 clinical social workers, licensed independent social workers,
4 professional mental health counselors, professional clinical
5 mental health counselors, marriage and family therapists,
6 professional art therapists, alcohol and drug abuse counselors
7 and physical therapists who qualify pursuant to the provisions
8 of this section and have provided health care during a taxable
9 year for at least one thousand five hundred eighty-four hours
10 at a practice site located in an approved rural health care
11 underserved area. Eligible health care practitioners listed in
12 this paragraph who provided health care services for at least
13 seven hundred ninety-two hours but less than one thousand five
14 hundred eighty-four hours at a practice site located in an
15 approved rural health care underserved area during a taxable
16 year are eligible for one-half of the tax credit amount.

17 ~~[G. To qualify for the rural health care~~
18 ~~practitioner tax credit, an eligible health care practitioner~~
19 ~~shall have provided health care during a taxable year for at~~
20 ~~least two thousand eighty hours at a practice site located in~~
21 ~~an approved rural health care underserved area. An eligible~~
22 ~~rural health care practitioner who provided health care~~
23 ~~services for at least one thousand forty hours but less than~~
24 ~~two thousand eighty hours at a practice site located in an~~
25 ~~approved rural health care underserved area during a taxable~~

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1 ~~year is eligible for one-half of the credit amount.~~

2 ~~D-]~~ C. Before an eligible health care practitioner
3 may claim the rural health care practitioner tax credit, the
4 practitioner shall submit an application to the department of
5 health that describes the practitioner's clinical practice and
6 contains additional information that the department of health
7 may require. The department of health shall determine whether
8 an eligible health care practitioner qualifies for the rural
9 health care practitioner tax credit and shall issue a
10 certificate to each qualifying eligible health care
11 practitioner. The certification shall include the
12 practitioner's taxpayer identification number and first
13 eligible tax year and shall be numbered for identification and
14 declare the date of issuance and the amount of tax credit
15 allowed. The department of health shall provide the taxation
16 and revenue department appropriate information for all eligible
17 health care practitioners to whom certificates are issued in a
18 secure manner on regular intervals agreed upon by both the
19 taxation and revenue department and the department of health.

20 ~~[E-]~~ D. A taxpayer claiming the credit provided by
21 this section shall submit a copy of the certificate issued by
22 the department of health with the taxpayer's New Mexico income
23 tax return for the taxable year. If the amount of the credit
24 claimed exceeds a taxpayer's tax liability for the taxable year
25 in which the credit is being claimed, the excess may be carried

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1 forward for three consecutive taxable years.

2 E. A taxpayer allowed a tax credit pursuant to this
3 section shall report the amount of the credit to the department
4 in a manner required by the department.

5 F. The department shall compile an annual report on
6 the tax credit provided by this section that shall include the
7 number of taxpayers approved by the department to receive the
8 credit, the aggregate amount of credits approved and any other
9 information necessary to evaluate the credit. The department
10 shall present the report to the revenue stabilization and tax
11 policy committee and the legislative finance committee with an
12 analysis of the cost of the tax credit.

13 ~~[F.]~~ G. As used in this section:

14 (1) "eligible health care practitioner" means:

15 (a) a certified nurse-midwife licensed
16 by the board of nursing as a registered nurse and licensed by
17 the public health division of the department of health to
18 practice nurse-midwifery as a certified nurse-midwife;

19 (b) a dentist or dental hygienist
20 licensed pursuant to the Dental Health Care Act;

21 (c) an optometrist licensed pursuant to
22 the provisions of the Optometry Act;

23 (d) an osteopathic physician [~~licensed~~
24 ~~pursuant to the provisions of Chapter 61, Article 10 NMSA 1978~~
25 ~~or an osteopathic physician assistant~~] licensed pursuant to the

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1 provisions of the [~~Osteopathic Physicians' Assistants~~] Medical
2 Practice Act;

3 (e) a physician [~~or physician assistant~~]
4 licensed pursuant to the provisions of [~~Chapter 61, Article 6~~
5 ~~NMSA 1978~~] the Medical Practice Act or a physician assistant
6 licensed pursuant to the provisions of the Physician Assistant
7 Act;

8 (f) a podiatrist licensed pursuant to
9 the provisions of the Podiatry Act;

10 (g) a clinical psychologist licensed
11 pursuant to the provisions of the Professional Psychologist
12 Act; [~~and~~]

13 (h) a registered nurse [~~in advanced~~
14 ~~practice who has been prepared through additional formal~~
15 ~~education as provided in Sections 61-3-23.2 through 61-3-23.4~~
16 ~~NMSA 1978 to function beyond the scope of practice of~~
17 ~~professional registered nursing, including certified nurse~~
18 ~~practitioners, certified registered nurse anesthetists and~~
19 ~~clinical nurse specialists~~] licensed pursuant to the provisions
20 of the Nursing Practice Act;

21 (i) a pharmacist licensed pursuant to
22 the provisions of the Pharmacy Act;

23 (j) a licensed clinical social worker or
24 a licensed independent social worker licensed pursuant to the
25 provisions of the Social Work Practice Act;

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1 (k) a professional mental health
2 counselor, a professional clinical mental health counselor, a
3 marriage and family therapist, an alcohol and drug abuse
4 counselor or a professional art therapist licensed pursuant to
5 the provisions of the Counseling and Therapy Practice Act; and

6 (1) a physical therapist licensed
7 pursuant to the provisions of the Physical Therapy Act;

8 (2) "health care underserved area" means a
9 geographic area or practice location in which it has been
10 determined by the department of health, through the use of
11 indices and other standards set by the department of health,
12 that sufficient health care services are not being provided;

13 (3) "practice site" means a private practice,
14 public health clinic, hospital, public or private nonprofit
15 primary care clinic or other health care service location in a
16 health care underserved area; and

17 (4) "rural" means ~~[an area or location~~
18 ~~identified by the department of health as falling outside of an~~
19 ~~urban area]~~ a rural county or an unincorporated area of a
20 partially rural county, as designated by the health resources
21 and services administration of the United States department of
22 health and human services."

23 SECTION 2. APPLICABILITY.--The provisions of this act
24 apply to taxable years beginning on or after January 1, 2024.

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO VETERINARY MEDICINE; MAKING NON-COMPETE PROVISIONS
IN VETERINARIAN AND VETERINARY TECHNICIAN AGREEMENTS
UNENFORCEABLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] DEFINITIONS.--As used in this
act:

A. "agreement" means a written contract to which a
veterinarian or veterinary technician is a party;

B. "non-compete provision" means a provision in an
agreement that restricts the right of a veterinarian or
veterinary technician to provide veterinary care in this state;

C. "veterinarian" means a person licensed to
practice veterinary medicine pursuant to the Veterinary
Practice Act;

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1 D. "veterinary care" means health care services
2 provided to an animal by a veterinarian or veterinary
3 technician; and

4 E. "veterinary technician" means a person certified
5 as a veterinary technician pursuant to the Veterinary Practice
6 Act.

7 **SECTION 2. [NEW MATERIAL] ENFORCEABILITY OF A NON-COMPETE**
8 **PROVISION--OTHER PROVISIONS VOID.--**

9 A. A non-compete provision in an agreement shall be
10 unenforceable upon the termination of:

- 11 (1) the agreement;
- 12 (2) a renewal or extension of the agreement;

13 or

- 14 (3) a veterinarian or veterinary technician's
15 employment with a party seeking to enforce the agreement.

16 B. A provision in an agreement for veterinary care
17 to be rendered in this state is void, unenforceable and against
18 public policy if the provision:

- 19 (1) makes the agreement subject to the laws of
20 another state; or

- 21 (2) requires any litigation arising out of the
22 agreement to be conducted in another state.

23 **SECTION 3. [NEW MATERIAL] ENFORCEABILITY OF OTHER**
24 **PROVISION.--Nothing in this act shall be construed to limit the**
25 **enforceability of:**

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1 A. a provision in an agreement requiring a
2 veterinarian or a veterinary technician who has worked for an
3 employer for an initial period of less than two years to repay
4 all or a portion of:

- 5 (1) a loan;
- 6 (2) relocation expenses;
- 7 (3) a signing bonus or other remuneration to
8 induce the veterinarian or veterinary technician to relocate or
9 establish a veterinary care practice in a specified geographic
10 area; or
- 11 (4) recruiting, education and training
12 expenses;

13 B. a nondisclosure provision relating to
14 confidential information and trade secrets; and

15 C. any other provision of an agreement that is not
16 in violation of law.

17 **SECTION 4. APPLICABILITY.**--The provisions of this act
18 apply to agreements, or renewals or extensions of agreements,
19 executed on or after July 1, 2024.

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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH; PREVENTING THE RESTRICTION OF MEDICATION-
ASSISTED TREATMENT FOR MINORS IN INPATIENT AND OUTPATIENT
SUBSTANCE ABUSE TREATMENT FACILITIES AND PROGRAMS THAT ARE
OPERATED OR FUNDED BY THE STATE; CREATING THE EVIDENCE-BASED
ADDICTION TREATMENT FOR MINORS FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] DEFINITIONS.--As used in
Sections 1 through 3 of this act:

A. "evidence-based" means a course of treatment
that is supported by research, clinical expertise and the needs
of a patient;

B. "inpatient substance abuse treatment facility"
means a residential facility that operates twenty-four hours
per day and provides intensive management of symptoms related

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1 to addiction and monitoring of the physical and mental
2 complications resulting from substance use;

3 C. "medication-assisted treatment" means the use of
4 federal-food-and-drug-administration-approved prescription
5 drugs for the treatment of substance use disorder;

6 D. "minor" means an individual who is under
7 eighteen years of age; and

8 E. "outpatient substance abuse treatment program"
9 means a program that offers resources, counseling and substance
10 abuse treatment on an outpatient basis.

11 SECTION 2. [NEW MATERIAL] MEDICATION-ASSISTED TREATMENT
12 FOR MINORS IN INPATIENT SUBSTANCE ABUSE TREATMENT FACILITIES
13 AND OUTPATIENT SUBSTANCE ABUSE TREATMENT PROGRAMS.--

14 A. By the end of fiscal year 2025, the department
15 of health and the children, youth and families department shall
16 not operate or contract with an inpatient substance abuse
17 treatment facility or outpatient substance abuse treatment
18 program that has policies or procedures that restrict the use
19 of medication-assisted treatment for the treatment of substance
20 use disorder in minor patients.

21 B. Beginning July 1, 2026, an inpatient substance
22 abuse treatment facility or outpatient substance abuse
23 treatment program that has policies or procedures that restrict
24 the use of medication-assisted treatment for the treatment of
25 substance use disorder in minor patients shall not be eligible

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1 for reimbursement from the state's medicaid program for
2 services rendered to minors.

3 C. No later than December 1, 2024, the health care
4 authority department shall promulgate rules for the operation
5 of medication-assisted treatment programs in inpatient
6 substance abuse treatment facilities and outpatient substance
7 abuse treatment programs in consultation with the department of
8 health, the children, youth and families department, inpatient
9 substance abuse treatment facility administrators, outpatient
10 substance abuse treatment program administrators and health
11 care providers with experience treating substance use disorder
12 among minor patients.

13 D. Beginning October 1, 2024 and annually
14 thereafter, the health care authority department shall report
15 to the interim legislative health and human services committee
16 on the availability of medication-assisted treatment for minor
17 patients at inpatient substance abuse treatment facilities and
18 outpatient substance abuse treatment programs.

19 **SECTION 3. [NEW MATERIAL] EVIDENCE-BASED ADDICTION**
20 **TREATMENT FOR MINORS FUND--CREATED.--**

21 A. The "evidence-based addiction treatment for
22 minors fund" is created as a nonreverting fund in the state
23 treasury. The fund consists of appropriations, gifts, grants
24 and donations. The health care authority department shall
25 administer the fund, and money in the fund is appropriated to

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1 the health care authority department to assist the children,
2 youth and families department, the department of health and
3 licensed substance abuse treatment providers to establish and
4 operate medication-assisted treatment programs for minors.
5 Disbursements from the fund shall be made by warrants of the
6 secretary of finance and administration pursuant to vouchers
7 signed by the secretary of health care authority.

8 B. No later than December 1, 2024, the health care
9 authority department shall promulgate rules for the
10 disbursement of money from the fund, including eligibility
11 criteria for receiving money from the fund.

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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

AN ACT

RELATING TO PRESCRIPTION DRUGS; EXPANDING THE PRESCRIPTION DRUG DONATION PROGRAM TO ALLOW MORE DONORS AND RECIPIENTS TO PARTICIPATE IN THE DONATION, COLLECTION AND REDISTRIBUTION OF UNUSED PRESCRIPTION DRUGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 26-1-3.2 NMSA 1978 (being Laws 2011, Chapter 119, Section 1) is amended to read:

"26-1-3.2. PRESCRIPTION DRUG DONATION.--

A. As used in this section:

~~[(1) "clinic" means a facility licensed pursuant to Section 61-11-14 NMSA 1978 in which one or more licensed practitioners diagnose and treat patients and in which drugs are stored, dispensed or administered for the diagnosis and treatment of the facility's patients; provided that~~

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1 ~~"clinic" does not include the privately owned practice of a~~
2 ~~licensed practitioner or group of licensed practitioners exempt~~
3 ~~under Section 61-11-22 NMSA 1978;~~

4 ~~(2)]~~ (1) "donor" means ~~[an individual]~~ a
5 person who donates unused prescription drugs to ~~[a clinic or a~~
6 ~~participating practitioner for the purpose of redistribution to~~
7 ~~established patients of that clinic or practitioner]~~ an
8 eligible recipient for the purpose of redistribution to
9 patients;

10 ~~[(3) "participating practitioner" means a~~
11 ~~licensed practitioner who is authorized to prescribe drugs and~~
12 ~~who registers with the board, and is subject to rules~~
13 ~~promulgated by the board, to participate in the collection of~~
14 ~~donated drugs, prescribed for use by established patients of~~
15 ~~that practitioner and donated for the purpose of redistribution~~
16 ~~to established patients of that practitioner]~~ (2) "eligible
17 recipient" means a person who registers with the board to
18 participate in the collection of donated drugs and is:

19 (a) licensed pursuant to Section
20 61-11-14 NMSA 1978 to receive and distribute prescription
21 drugs;

22 (b) a health care facility licensed by
23 the department of health pursuant to the Public Health Act; or

24 (c) a practitioner licensed to prescribe
25 prescription drugs;

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1 [~~(4)~~ "recipient"] (3) "patient" means an
2 individual who voluntarily receives donated prescription drugs;
3 and

4 [~~(5)~~] (4) "tamper-evident" means a device or
5 process that makes unauthorized access to protected
6 pharmaceutical packaging easily detected.

7 B. The board shall adopt and promulgate rules for
8 the donation of unused prescription drugs. Any person,
9 including persons from other states, may [be donated] donate
10 unexpired and unused prescription drugs to [a clinic or a
11 participating practitioner, and a clinic or a participating
12 practitioner] an eligible recipient, and an eligible recipient
13 may accept and redistribute the donated prescription drugs in
14 accordance with rules promulgated by the board. Donated
15 prescription drugs shall only be redistributed to a patient if
16 the drugs will not expire before the patient is able to
17 completely use the drugs, based on the directions for use given
18 by the patient's prescribing health care professional.

19 C. The board shall promulgate rules to establish:

20 (1) procedures to allow the donation and
21 redistribution of certain prescription drugs, including
22 refrigerated drugs, that:

23 (a) ensure that the redistribution
24 process is consistent with public health and safety standards;
25 and

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- 1 (b) exclude controlled substances;
- 2 (2) standards and procedures for accepting,
3 storing, labeling and redistributing donated prescription
4 drugs;
- 5 (3) standards and procedures for inspecting
6 donated prescription drugs to determine that the packaging is
7 tamper-evident and that the donated prescription drugs are
8 unadulterated, safe and suitable for redistribution;
- 9 (4) a form to be signed by the ~~[recipient]~~
10 patient specifying:
- 11 (a) knowledge that the donor is not a
12 pharmacist and took reasonable care of the donated prescription
13 drug;
- 14 (b) knowledge that the ~~[donor is known~~
15 ~~to the clinic or the participating practitioner]~~ donated
16 prescription drugs have been inspected by a health care
17 professional prior to being dispensed and that there is no
18 reason to believe that the donated prescription drug was
19 improperly handled or stored;
- 20 (c) that any person who exercises
21 reasonable care in donating, accepting or redistributing
22 pursuant to this section shall be immune from civil or criminal
23 liability or professional disciplinary action of any kind for
24 any related injury, death or loss; and
- 25 (d) that the immunity provided by this

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1 section shall not decrease or increase the civil or criminal
2 liability of a drug manufacturer, distributor or dispenser that
3 would have existed but for the donation;

4 (5) [~~a form to be signed~~] information required
5 to be provided by the donor verifying that:

6 (a) the donated prescription drug has
7 been properly stored and the container has not been opened or
8 tampered with;

9 (b) the donated prescription drug has
10 not been adulterated or misbranded; and

11 (c) the donor is voluntarily donating
12 the prescription drug;

13 (6) a handling fee not to exceed [~~twenty~~
14 ~~dollars (\$20.00)~~] the reasonable costs of participating in the
15 collection of donated prescription drugs that may be charged to
16 the [~~recipient~~] patient by the [~~clinic or the participating~~
17 ~~practitioner~~] eligible recipient to cover the costs of
18 inspecting, storing, labeling and redistributing the donated
19 prescription drug; and

20 (7) any other standards deemed necessary by
21 the board.

22 D. The board shall maintain and publish a current
23 listing of [~~clinics and participating practitioners~~] eligible
24 recipients.

25 E. Before redistributing donated prescription

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1 drugs, the [~~clinic or the participating practitioner~~] eligible
2 recipient shall:

3 (1) comply with all applicable federal laws
4 and the laws of the state that deal with the inspection,
5 storage, labeling and redistribution of donated prescription
6 drugs; and

7 (2) examine the donated prescription drug to
8 determine that it has not been adulterated or misbranded and
9 certify that the drug has been stored in compliance with the
10 requirements of the product label.

11 F. Any person who exercises reasonable care in
12 donating, accepting or redistributing prescription drugs
13 pursuant to this section shall be immune from civil or criminal
14 liability or professional disciplinary action of any kind for
15 any related injury, death or loss.

16 G. The immunity provided by this section shall not
17 decrease or increase the civil or criminal liability of a drug
18 manufacturer, distributor or dispenser that would have existed
19 but for the donation.

20 H. A manufacturer shall not be liable for failure
21 to transfer or communicate product consumer information or the
22 expiration date of the donated prescription drug pursuant to
23 this section.

24 I. This section does not restrict the authority of
25 an appropriate governmental agency to regulate or ban the use

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1 of any prescription drugs."

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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO PROFESSIONAL LICENSURE; ALLOWING THE REGULATION AND LICENSING DEPARTMENT TO COMPENSATE MEMBERS OF HEALTH CARE PROFESSIONAL LICENSING BOARDS THAT ARE ADMINISTRATIVELY ATTACHED TO THE DEPARTMENT; PROVIDING A TEMPORARY WAIVER OF APPLICATION, LICENSURE AND RENEWAL FEES FOR NEW APPLICANTS AND NEWLY LICENSED HEALTH CARE PROFESSIONALS IN CERTAIN HEALTH CARE PROFESSIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-2-6 NMSA 1978 (being Laws 1973, Chapter 353, Section 5, as amended) is amended to read:

"61-2-6. OPTOMETRY BOARD ORGANIZATION--MEETINGS--
COMPENSATION--POWERS AND DUTIES.--

A. The board shall annually elect a chair, a vice chair and a secretary-treasurer; each shall serve until a

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1 successor is elected and qualified.

2 B. The board shall meet at least annually for the
3 purpose of examining candidates for licensure. Special
4 meetings may be called by the chair and shall be called upon
5 the written request of a majority of the board members. A
6 majority of the board members currently serving constitutes a
7 quorum.

8 C. Members of the board may be reimbursed as
9 provided in the Per Diem and Mileage Act [~~but shall receive no~~
10 ~~other compensation, perquisite or allowance~~] and may be
11 compensated by the regulation and licensing department for time
12 spent carrying out the duties of a board member.

13 D. The board has the authority to determine what
14 constitutes the practice of optometry in accordance with the
15 provisions of the Optometry Act and has jurisdiction to
16 exercise any other powers and duties pursuant to that act. The
17 board may issue advisory opinions and declaratory rulings
18 pursuant to that act and rules promulgated in accordance with
19 the State Rules Act, but shall not expand the scope of practice
20 of optometry beyond the provisions of the Optometry Act.

21 E. The board shall:

22 (1) administer and enforce the provisions of
23 the Optometry Act;

24 (2) promulgate in accordance with the State
25 Rules Act, all rules for the implementation and enforcement of

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1 the provisions of the Optometry Act;

2 (3) adopt and use a seal;

3 (4) administer oaths and take testimony on
4 matters within the board's jurisdiction;

5 (5) keep an accurate record of meetings,
6 receipts and disbursements;

7 (6) keep a record of examinations held,
8 together with the names and addresses of persons taking the
9 examinations and the examination results. Within thirty days
10 after an examination, the board shall give written notice to
11 each applicant examined of the results of the examination as to
12 the respective applicant;

13 (7) certify as passing each applicant who
14 obtains a grade of at least seventy-five percent on each
15 subject upon which the applicant is examined; providing that an
16 applicant failing may apply for re-examination at the next
17 scheduled examination date;

18 (8) keep a book of registration in which the
19 name, address and license number of licensees shall be
20 recorded, together with a record of license renewals,
21 suspensions and revocations;

22 (9) grant, deny, renew, suspend or revoke
23 licenses to practice optometry in accordance with the
24 provisions of the Uniform Licensing Act for any cause stated in
25 the Optometry Act;

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1 (10) develop and administer qualifications for
2 certification for the use of pharmaceutical agents as
3 authorized in Section 61-2-10.2 NMSA 1978, including minimum
4 educational requirements and examination, as required by
5 Section 61-2-10.2 NMSA 1978 and provide the board of pharmacy
6 with an annual list of optometrists certified to use
7 pharmaceutical agents as authorized in Section 61-2-10.2
8 NMSA 1978; and

9 (11) provide for the suspension of an
10 optometrist's license for sixty days upon a determination of
11 use of pharmaceutical agents without prior certification in
12 accordance with Section 61-2-10.2 NMSA 1978, after proper
13 notice and an opportunity to be heard before the board."

14 SECTION 2. Section 61-2-11 NMSA 1978 (being Laws 1973,
15 Chapter 353, Section 9, as amended) is amended to read:

16 "61-2-11. LICENSE FEES--LICENSURE UNDER PRIOR LAW.--

17 A. The board shall set fees for the following by
18 rule:

19 (1) except as provided in Subsection D of this
20 section, application fee in an amount not to exceed five
21 hundred dollars (\$500);

22 (2) examination fee in an amount not to exceed
23 five hundred dollars (\$500);

24 (3) except as provided in Section 61-1-34 NMSA
25 1978 and Subsection D of this section, licensure fee in an

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1 amount not to exceed four hundred dollars (\$400); and

2 (4) issuance fee for pharmaceutical
3 certification in an amount not to exceed one hundred dollars
4 (\$100).

5 B. A person licensed as an optometrist under any
6 prior laws of this state, whose license is valid on April 3,
7 1973, shall be held to be licensed under the provisions of the
8 Optometry Act and shall be entitled to the annual renewal of
9 the person's license as provided in that act.

10 C. Prior to engaging in the active practice of
11 optometry in this state, a licensee shall furnish the board
12 evidence that the licensee holds a registration number with the
13 taxation and revenue department and has completed, as a
14 condition of licensure by endorsement, the continuing education
15 requirements as set by the rules of the board.

16 D. Until July 1, 2034, a first-time applicant for
17 licensure shall not be charged an application fee or licensure
18 fee."

19 SECTION 3. Section 61-2-12 NMSA 1978 (being Laws 1973,
20 Chapter 353, Section 10, as amended) is amended to read:

21 "61-2-12. LICENSE--DISPLAY--RENEWAL--RETIREMENT--
22 RESUMPTION OF PRACTICE.--

23 A. A person to whom a license as an optometrist has
24 been issued shall display the license in a conspicuous place in
25 the licensee's principal office or place of business.

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1 B. A license shall be renewed annually on or before
2 July 1. Except as provided in Section 61-1-34 NMSA 1978 and
3 Subsection F of this section, the licensee shall pay to the
4 secretary-treasurer of the board the required fees. The board
5 shall promulgate rules establishing additional requirements and
6 procedures for renewal of a license. It shall also promulgate
7 rules establishing a fee schedule for renewal of a license, but
8 a specific fee shall not exceed five hundred dollars (\$500).

9 C. Failure to renew a license pursuant to this
10 section terminates the optometrist's authority to practice
11 optometry, and the former licensee shall fulfill all current
12 requirements for licensing and therapeutic drug certification
13 if application for licensing or certification is made after
14 termination.

15 D. An optometrist who intends to retire from the
16 practice of optometry shall notify the board in writing before
17 the expiration of the optometrist's license, and the secretary-
18 treasurer of the board shall acknowledge the receipt of the
19 notice and record it. If within a period of five years from
20 the year of retirement the optometrist desires to resume
21 practice, the optometrist shall notify the board in writing,
22 and, upon giving proof of completing refresher courses
23 prescribed by rules of the board and the payment of any
24 required fees, the license shall be restored to the optometrist
25 in full effect.

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1 E. Before engaging in the practice of optometry, a
2 licensed optometrist shall notify the secretary-treasurer of
3 the board in writing of the address at which the optometrist
4 intends to begin practice and subsequently of changes in the
5 optometrist's business address or location. Notices the board
6 is required to give a licensee shall legally have been given
7 when delivered to the latest address furnished by the licensee
8 to the board.

9 F. Until July 1, 2034, a licensed optometrist shall
10 not be charged a license renewal fee for the licensed
11 optometrist's first two license renewals after obtaining
12 licensure."

13 SECTION 4. Section 61-4-3 NMSA 1978 (being Laws 1968,
14 Chapter 3, Section 3, as amended) is amended to read:

15 "61-4-3. BOARD CREATED--APPOINTMENT--OFFICERS--DUTIES--
16 COMPENSATION.--

17 A. The "chiropractic board" is created and is
18 administratively attached to the regulation and licensing
19 department. The board shall consist of six persons, four of
20 whom have been continuously engaged in the practice of
21 chiropractic in New Mexico for five years immediately prior to
22 their appointment. Two persons shall represent the public and
23 shall not have practiced chiropractic in this state or any
24 other jurisdiction. A person shall not be appointed to the
25 board who is an officer or employee of or who is financially

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1 interested in any school or college of chiropractic, medicine,
2 surgery or osteopathy.

3 B. Members of the board shall be appointed by the
4 governor for staggered terms of five years or less and in a
5 manner that the term of one board member expires on July 1 of
6 each year. A list of five names for each professional member
7 vacancy shall be submitted by the New Mexico chiropractic
8 association to the governor for consideration in the
9 appointment of board members. A vacancy shall be filled by
10 appointment for the unexpired term. Board members shall serve
11 until their successors have been appointed and qualified.

12 C. The board shall annually elect a chair and a
13 secretary-treasurer. A majority of the board constitutes a
14 quorum. The board shall meet quarterly. Special meetings may
15 be called by the chair and shall be called upon the written
16 request of two members of the board. Notification of special
17 meetings shall be made by certified mail unless such notice is
18 waived by the entire board and the action noted in the minutes.
19 Notice of all regular meetings shall be made by regular mail at
20 least ten days prior to the meeting, and copies of the minutes
21 of all meetings shall be mailed to each board member within
22 thirty days after a meeting.

23 D. A board member failing to attend three
24 consecutive meetings, either regular or special, shall
25 automatically be removed as a member of the board.

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1 E. The board shall adopt a seal.

2 F. The board shall promulgate and file, in
3 accordance with the State Rules Act, all rules necessary for
4 the implementation and enforcement of the provisions of the
5 Chiropractic Physician Practice Act, including educational
6 requirements for a chiropractic assistant.

7 G. The board, for the purpose of protecting the
8 health and well-being of the citizens of this state and
9 maintaining and continuing informed professional knowledge and
10 awareness, shall establish by rule mandatory continuing
11 education requirements for chiropractic physicians and
12 certified advanced practice chiropractic physicians licensed in
13 this state.

14 H. Failure to comply with the rules adopted by the
15 board shall be grounds for investigation, which may lead to
16 revocation of license.

17 I. Members of the board shall be reimbursed as
18 provided in the Per Diem and Mileage Act [~~but shall receive no~~
19 ~~other compensation, perquisite or allowance for each day~~
20 ~~necessarily spent in the discharge of their duties]~~ and may be
21 compensated by the regulation and licensing department for time
22 spent carrying out the duties of a board member."

23 SECTION 5. Section 61-4-4 NMSA 1978 (being Laws 1968,
24 Chapter 3, Section 4, as amended) is amended to read:

25 "61-4-4. APPLICATION REQUIREMENTS--EVALUATION.--

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1 A. Each applicant for a license to practice
2 chiropractic shall:

3 (1) make application on forms furnished by the
4 board;

5 (2) submit evidence on oath satisfactory to
6 the board that the applicant has reached the age of majority,
7 has completed a preliminary education equal to the requirements
8 for graduation from high school, is of good moral character
9 and, after January 1, 1976, except for any student currently
10 enrolled in a college of chiropractic, has completed two years
11 of college-level study in an accredited institution of higher
12 learning and is a graduate of a college of chiropractic that
13 meets the standards of professional education prescribed in
14 Section 61-4-5 NMSA 1978; and

15 (3) pay in advance to the board fees:

16 (a) for examination; and

17 (b) except as provided in Section
18 61-1-34 NMSA 1978 and Subsection D of this section, for
19 issuance of a license.

20 B. In evaluating an application, the board may use
21 the services of a professional background information service
22 that compiles background information regarding applicants from
23 multiple sources.

24 C. Each applicant for inclusion in the advanced
25 practice chiropractic certification registry shall furnish

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1 materials and proof of education and training as established by
2 rule of the board.

3 D. Until July 1, 2034, a first-time applicant for
4 licensure shall not be charged a licensure fee."

5 SECTION 6. Section 61-4-13 NMSA 1978 (being Laws 1968,
6 Chapter 3, Section 12, as amended) is amended to read:

7 "61-4-13. ANNUAL RENEWAL OF LICENSE--FEE--NOTICE.--

8 A. Except as provided in Section 61-1-34 NMSA 1978
9 and Subsection C of this section, a person licensed to practice
10 chiropractic in this state shall, on or before July 1 of each
11 year, pay to the board an annual fee set by ~~[regulation]~~ rule
12 and shall submit proof of completion of continuing education
13 requirements as required by the board. The board shall send
14 written notice to every person holding a license prior to June
15 1 of each year, directed to the last known address of the
16 licensee, notifying the licensee that it is necessary to pay
17 the renewal fee as provided in the Chiropractic Physician
18 Practice Act. Proper forms shall accompany the notice, upon
19 which forms the licensee shall make application for the renewal
20 of the license. The licensee is responsible for renewal of the
21 license even if the licensee does not receive the renewal
22 notice.

23 B. The board shall establish a schedule of
24 reasonable fees for applications, licenses, renewals, placement
25 or inactive status and administrative fees.

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1 C. Until July 1, 2034, a person licensed to
2 practice chiropractic in this state shall not be charged a
3 license renewal fee for the person's first two license renewals
4 after obtaining licensure."

5 SECTION 7. Section 61-5A-8 NMSA 1978 (being Laws 1994,
6 Chapter 55, Section 8, as amended by Laws 2003, Chapter 408,
7 Section 4 and by Laws 2003, Chapter 409, Section 6) is amended
8 to read:

9 "61-5A-8. BOARD CREATED.--

10 A. There is created the nine-member "New Mexico
11 board of dental health care". The board [~~shall be~~] is
12 administratively attached to the regulation and licensing
13 department. The board [~~shall consist~~] consists of five
14 dentists, two dental hygienists and two public members. The
15 dentists shall be actively practicing and have been licensed
16 practitioners and residents of New Mexico for a period of five
17 years preceding the date of appointment. The dental hygienist
18 members shall be members of the committee and shall be elected
19 annually to sit on the board by those sitting on the committee.
20 The appointed public members shall be residents of New Mexico
21 and shall have no financial interest, direct or indirect, in
22 the professions regulated in the Dental Health Care Act.

23 B. The governor may appoint the dentist members
24 from a list of names submitted by the New Mexico dental
25 association. There shall be one member from each district.

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1 All board members shall serve until their successors have been
2 appointed. No more than one member may be employed by or
3 receive remuneration from a dental or dental hygiene
4 educational institution.

5 C. Appointments for dentists and public members
6 shall be for terms of five years. Dentists' appointments shall
7 be made so that the term of one dentist member expires on July
8 1 of each year. Public members' five-year terms begin at the
9 date of appointment.

10 D. A board member failing to attend three board or
11 committee meetings, either regular or special, during the board
12 member's term shall automatically be removed as a member of the
13 board unless excused from attendance by the board for good
14 cause shown. Members of the board not sitting on the committee
15 shall not be required or allowed to attend committee
16 disciplinary hearings.

17 E. A board member shall not serve more than two
18 full terms on any state-chartered board whose responsibility
19 includes the regulation of practice or licensure of dentistry
20 or dental hygiene in New Mexico. A partial term of three or
21 more years shall be considered a full term.

22 F. In the event of a vacancy, the secretary of the
23 board shall immediately notify the governor, the board and
24 committee members and the New Mexico dental association of the
25 reason for its occurrence and action taken by the board, so as

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1 to expedite appointment of a new board member.

2 G. The board shall meet at least four times every
3 year, and no more than two meetings shall be public rules
4 hearings. Regular meetings shall not be more than one hundred
5 twenty days apart. The board may also hold special meetings
6 and emergency meetings in accordance with rules of the board
7 upon written notice to all members of the board and the
8 committee.

9 H. Members of the board shall be reimbursed as
10 provided in the Per Diem and Mileage Act and [~~shall receive no~~
11 ~~other compensation, perquisite or allowance, however~~] may be
12 compensated by the regulation and licensing department for time
13 spent carrying out the duties of a board member. The
14 secretary-treasurer may be compensated at the discretion of the
15 board.

16 I. A simple majority of the board members currently
17 serving shall constitute a quorum, provided at least two of
18 that quorum are not dentist members and three are dentist
19 members.

20 J. The board shall elect officers annually as
21 deemed necessary to administer its duties and as provided in
22 its rules."

23 SECTION 8. Section 61-7A-5 NMSA 1978 (being Laws 1989,
24 Chapter 387, Section 5, as amended) is amended to read:

25 "61-7A-5. BOARD CREATED.--

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1 A. There is created the "nutrition and dietetics
2 practice board", administratively attached to the regulation
3 and licensing department. The board shall consist of five
4 members who are New Mexico residents and who are appointed by
5 the governor for staggered three-year terms. Three members
6 shall be licensed dietitians or nutritionists with at least
7 three years of nutrition or dietetics practice in New Mexico
8 and two members shall represent the public. There shall be at
9 least one dietitian and at least one nutritionist on the board
10 at all times. The public members shall not have been licensed
11 as [~~a dietitian or nutritionist~~] dietitians or nutritionists or
12 have any financial interest, direct or indirect, in the
13 professions regulated.

14 B. Each member shall hold office until the
15 expiration of the term for which appointed or until a successor
16 has been appointed. [~~Vacancies~~] A vacancy shall be filled for
17 the balance of the unexpired term within ninety days of the
18 vacancy by appointment by the governor.

19 C. No board member shall serve more than two full
20 terms.

21 D. The board shall elect annually a [~~chairman~~]
22 chair and such other officers as it deems necessary. The board
23 shall meet as often as necessary for the conduct of business,
24 but no less than twice a year. Meetings shall be called by the
25 [~~chairman~~] chair or upon the written request of two or more

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1 members of the board. Three members, at least two of whom are
2 professional members and at least one of whom is a public
3 member, shall constitute a quorum. [~~Any~~] A member failing to
4 attend, after proper notice, three consecutive meetings shall
5 automatically be removed as a board member.

6 E. The members of the board shall be reimbursed as
7 provided for nonsalaried public officers in the Per Diem and
8 Mileage Act and [~~shall receive no other compensation,~~
9 ~~perquisite or allowance~~] may be compensated by the regulation
10 and licensing department for time spent performing the duties
11 of a board member."

12 SECTION 9. Section 61-7A-11 NMSA 1978 (being Laws 1989,
13 Chapter 387, Section 11, as amended) is amended to read:

14 "61-7A-11. FEES.--

15 A. Except as provided in Section 61-1-34 NMSA 1978
16 and Subsection F of this section, the board shall establish a
17 schedule of reasonable fees for applications, licenses and
18 renewal of licenses. Fees shall be established based on
19 processing requirements for each category.

20 B. The initial application fee shall be set in an
21 amount not to exceed fifty dollars (\$50.00).

22 C. The initial license fee shall be set in an
23 amount not to exceed one hundred fifty dollars (\$150).

24 D. A license renewal fee shall be established in an
25 amount not to exceed seventy-five dollars (\$75.00) per year.

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1 E. A license reinstatement fee shall be established
2 in an amount not to exceed fifty dollars (\$50.00).

3 F. Until July 1, 2034, a first-time applicant for
4 licensure shall not be charged an application fee or licensure
5 fee, and a person licensed pursuant to the Nutrition and
6 Dietetics Practice Act shall not be charged a license renewal
7 fee for the person's first two license renewals after obtaining
8 licensure."

9 SECTION 10. Section 61-9-5 NMSA 1978 (being Laws 1989,
10 Chapter 41, Section 5, as amended) is amended to read:

11 "61-9-5. STATE BOARD OF EXAMINERS--PSYCHOLOGY FUND.--

12 A. There is created a "New Mexico state board of
13 psychologist examiners". The board shall be administratively
14 attached to the regulation and licensing department. The board
15 shall consist of eight members appointed by the governor who
16 are residents of New Mexico and who shall serve for three-year
17 staggered terms. The members shall be appointed as follows:

18 (1) four members shall be professional members
19 who are licensed under the Professional Psychologist Act as
20 psychologists. The governor shall appoint the professional
21 members from a list of names nominated by the New Mexico
22 psychological association, the state psychologist association
23 and the New Mexico school psychologist association;

24 (2) one member shall be licensed under the
25 Professional Psychologist Act as a psychologist or psychologist

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1 associate; and

2 (3) three members shall be public members who
3 are ~~[laymen]~~ laypersons and have no significant financial
4 interest, direct or indirect, in the practice of psychology.

5 B. A member shall hold office until the expiration
6 of ~~[his]~~ the member's appointed term or until a successor is
7 duly appointed. When the term of a member ends, the governor
8 shall appoint ~~[his]~~ a successor for a term of three years. A
9 vacancy occurring in the board membership other than by
10 expiration of term shall be filled by the governor by
11 appointment for the unexpired term of the member. The governor
12 may remove a board member for misconduct, incompetency or
13 neglect of duty.

14 C. All money received by the board shall be
15 credited to the "psychology fund". Money in the psychology
16 fund at the end of the fiscal year shall not revert to the
17 general fund and shall be used in accordance with the
18 provisions of the Professional Psychologist Act. The members
19 of the board may be reimbursed as provided in the Per Diem and
20 Mileage Act ~~[but shall receive no other compensation,~~
21 ~~perquisite or allowance]~~ and may be compensated by the
22 regulation and licensing department for time spent carrying out
23 the duties of a board member."

24 SECTION 11. Section 61-9-7 NMSA 1978 (being Laws 1963,
25 Chapter 92, Section 6, as amended) is amended to read:

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1 "61-9-7. FEES--LICENSE RENEWAL.--

2 A. All fees from applicants seeking licensure under
3 the Professional Psychologist Act and all license renewal fees
4 received under the Professional Psychologist Act shall be
5 credited to the psychology fund. No fees shall be refunded.

6 B. Except as provided in Section 61-1-34 NMSA 1978
7 and Subsection E of this section, the board shall set the
8 charge for an application fee of up to six hundred dollars
9 (\$600) to applicants for licensure under Sections 61-9-9
10 through 61-9-11.1 NMSA 1978.

11 C. The board may establish a method to provide for
12 staggered biennial terms. The board may authorize license
13 renewal for one year to establish the renewal cycle.

14 D. Except as provided in Section 61-1-34 NMSA 1978
15 and Subsection E of this section, a licensee shall renew a
16 license biennially on or before July 1 by remitting to the
17 board the renewal fee set by the board not exceeding six
18 hundred dollars (\$600) and providing proof of continuing
19 education as required by [~~regulation~~] rule of the board. Any
20 license issued by the board may be suspended if the holder
21 fails to renew the license by July 1 of any year. A license
22 suspended for failure to renew may be renewed within a period
23 of one year after the suspension upon payment of the renewal
24 fee plus a late fee of one hundred dollars (\$100), together
25 with proof of continuing education satisfactory to the board.

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1 The license shall be revoked if the license has not been
2 renewed within one year of the suspension for failure to renew.
3 Prior to issuing a new license, the board may in its discretion
4 require full or partial examination of a former licensee whose
5 license was revoked because of failure to renew.

6 E. Until July 1, 2034, a first-time applicant for
7 licensure shall not be charged an application fee or licensure
8 fee, and a person licensed pursuant to the Professional
9 Psychologist Act shall not be charged a license renewal fee for
10 the person's first two license renewals after obtaining
11 licensure."

12 SECTION 12. Section 61-9A-7 NMSA 1978 (being Laws 1993,
13 Chapter 49, Section 7, as amended) is amended to read:

14 "61-9A-7. BOARD CREATED--MEMBERS--APPOINTMENT--TERMS--
15 COMPENSATION.--

16 A. There is created the "counseling and therapy
17 practice board". The board is administratively attached to the
18 department.

19 B. The board consists of seven members who are
20 United States citizens, have been New Mexico residents for at
21 least five years prior to their appointment and maintain New
22 Mexico residency during their appointment. Of the seven
23 members:

24 (1) five members shall be professional
25 members, who shall be a professional mental health counselor, a

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1 professional clinical mental health counselor, a marriage and
2 family therapist, a professional art therapist and an alcohol
3 and drug abuse counselor, licensed under the Counseling and
4 Therapy Practice Act and shall have engaged in a counselor and
5 therapist practice for at least five years. The professional
6 mental health counselor shall also represent the registered
7 independent and licensed mental health counselors; and

8 (2) two members shall represent the public.

9 The public members shall not have been licensed or have
10 practiced as counselor or therapist practitioners or in any
11 other regulated mental health profession, nor have any
12 significant financial interest, either direct or indirect, in
13 the professions regulated.

14 C. Members of the board shall be appointed by the
15 governor for staggered terms of four years. A member shall
16 hold office until a successor is appointed. Vacancies shall be
17 filled in the same manner as original appointments. No
18 appointee shall serve more than two terms.

19 D. The governor may appoint professional board
20 members from a list of nominees submitted by qualified
21 individuals and organizations, including the New Mexico
22 counseling association, the New Mexico association for marriage
23 and family therapy, the New Mexico art therapy association and
24 the alcohol and drug directors association.

25 E. Members of the board shall be reimbursed as

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1 provided in the Per Diem and Mileage Act and [~~shall receive no~~
2 ~~other compensation, perquisite or allowance~~] may be compensated
3 by the department for time spent carrying out the duties of a
4 board member.

5 F. The board shall elect annually from its
6 membership a chair and a secretary and other officers as
7 necessary to carry out its duties.

8 G. The board shall meet once a year and at other
9 times deemed necessary. Other meetings may be called by the
10 chair upon the written request of three members of the board.
11 A simple majority of the board members shall constitute a
12 quorum of the board.

13 H. Any member failing to attend three meetings
14 after proper notice shall be automatically recommended for
15 removal as a board member, unless excused by the board chair
16 for one of the following reasons:

- 17 (1) extenuating circumstances beyond the
18 member's control, including illness;
19 (2) prearranged activities out of town; or
20 (3) other severe circumstances that do not
21 allow a member to attend."

22 SECTION 13. Section 61-9A-24 NMSA 1978 (being Laws 1993,
23 Chapter 49, Section 24, as amended) is amended to read:

24 "61-9A-24. LICENSE AND REGISTRATION FEES.--

25 A. Except as provided in Section 61-1-34 NMSA 1978

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1 and Subsection B of this section, applicants for licensure or
2 registration shall pay fees set by the board in an amount not
3 to exceed:

4 ~~[A.]~~ (1) for application for initial
5 licensure, seventy-five dollars (\$75.00), which is not
6 refundable;

7 ~~[B.]~~ (2) for licensure or renewal as a
8 professional mental health counselor or registered independent
9 mental health counselor, three hundred dollars (\$300);

10 ~~[C.]~~ (3) for licensure or renewal as a
11 clinical professional mental health counselor, marriage and
12 family therapist or professional art therapist, four hundred
13 twenty dollars (\$420);

14 ~~[D.]~~ (4) for registration or renewal as a
15 registered mental health counselor, licensed mental health
16 counselor, licensed associate marriage and family therapist or
17 registered independent mental health counselor, two hundred
18 forty dollars (\$240);

19 ~~[E.]~~ (5) for all examinations, seventy-five
20 dollars (\$75.00) or, if a national examination is used, an
21 amount that shall not exceed the national examination costs by
22 more than twenty-five percent;

23 ~~[F.]~~ (6) for a duplicate or replacement
24 license or registration, twenty-five dollars (\$25.00);

25 ~~[G.]~~ (7) for failure to renew a license or

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1 registration within the allotted grace period, a late penalty
2 fee not to exceed one hundred dollars (\$100);

3 [H.] (8) reasonable administrative fees; and
4 [F.] (9) for licensure, registration or
5 renewal as an alcohol and drug abuse counselor, an alcohol
6 abuse counselor, a drug abuse counselor or a substance abuse
7 associate, two hundred dollars (\$200).

8 B. Until July 1, 2034, a first-time applicant for
9 licensure or registration shall not be charged an application
10 fee, registration fee or licensure fee, and a person licensed
11 or registered pursuant to the Counseling and Therapy Practice
12 Act shall not be charged a license renewal fee or registration
13 renewal fee for the person's first two license or registration
14 renewals."

15 SECTION 14. Section 61-11-5 NMSA 1978 (being Laws 1969,
16 Chapter 29, Section 4, as amended) is amended to read:

17 "61-11-5. BOARD MEETINGS--QUORUM--OFFICERS--BONDS--
18 EXPENSES.--

19 A. The board shall annually elect a [chairman]
20 chair, vice [chairman] chair and secretary-treasurer from its
21 membership.

22 B. The board shall meet at least once every three
23 months. Special meetings may be called by the [chairman] chair
24 and shall be called upon the written request of two or more
25 members of the board. Notification of special meetings shall

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1 be made by certified mail unless the notice is waived by the
2 entire board and noted in the minutes. Notice of all regular
3 meetings shall be made by regular mail at least ten days prior
4 to the meeting, and copies of the minutes of all meetings shall
5 be mailed to each board member within forty-five days after any
6 meeting.

7 C. A majority of the board constitutes a quorum.

8 D. Members of the board shall be reimbursed as
9 provided in the Per Diem and Mileage Act and [~~shall receive no~~
10 ~~other compensation, perquisite or allowance~~] may be compensated
11 by the regulation and licensing department for time spent
12 carrying out the duties of a board member."

13 SECTION 15. Section 61-11-12 NMSA 1978 (being Laws 1969,
14 Chapter 29, Section 11, as amended) is amended to read:

15 "61-11-12. LICENSE FEES.--

16 A. Except as provided in Section 61-1-34 NMSA 1978
17 and Subsection D of this section, an applicant for licensure as
18 a pharmacist or pharmacist intern or registration as a pharmacy
19 technician shall pay the following fees, which fees shall not
20 be returnable:

21 (1) for initial licensure as a pharmacist, a
22 fee set by the board not to exceed four hundred dollars (\$400);
23 provided that if the applicant fails a portion of an
24 examination, reexamination is subject to the same fee as the
25 first examination;

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1 (2) for initial licensure as a pharmacist
2 intern, a fee not to exceed twenty-five dollars (\$25.00); and

3 (3) for initial registration as a pharmacy
4 technician, a fee not to exceed twenty-five dollars (\$25.00).

5 B. The board shall issue a license or registration
6 to each successful applicant and enter the successful
7 applicant's name and pertinent information in the registry
8 maintained by the board.

9 C. Every registration or license shall have the
10 seal of the board affixed and be signed by the board chair.

11 D. Until July 1, 2034, a first-time applicant for
12 licensure or registration shall not be charged an application
13 fee, registration fee or licensure fee."

14 SECTION 16. Section 61-11-13 NMSA 1978 (being Laws 1969,
15 Chapter 29, Section 12, as amended) is amended to read:

16 "61-11-13. RENEWAL--REVOCATION.--

17 A. The renewal date for each licensee shall be the
18 last day of the licensee's birth month, as set by rule of the
19 board. Any person who intends to continue practice shall file
20 an application for renewal prior to that date and, except as
21 provided in Section 61-1-34 NMSA 1978 and Subsection F of this
22 section, pay the renewal fee set by the board in an amount not
23 to exceed one hundred fifty dollars (\$150) per year; provided,
24 however, that the board shall prorate a renewal fee charged for
25 a period of less than a full year. The license of a pharmacist

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1 failing to renew the pharmacist's license on or before the date
2 set by the board shall automatically expire, and the license
3 shall not be reinstated except upon reapplication and payment
4 of a one hundred dollar (\$100) reinstatement fee and all
5 delinquent renewal fees.

6 B. A pharmacist ceasing to be engaged in the
7 practice of pharmacy for such period as the board determines,
8 but not less than twelve months, is deemed to be inactive and
9 shall have the pharmacist's license renewal so marked. A
10 pharmacist having an inactive status shall not be reinstated to
11 active status without either an examination or the presentation
12 of evidence satisfactory to the board that the pharmacist has
13 taken some form of internship or continuing education relevant
14 to the practice of pharmacy, or both, immediately prior to the
15 pharmacist's application for reinstatement. Pharmacists
16 regularly engaged in teaching in an approved school or college
17 of pharmacy, servicing, manufacturing, inspecting or other
18 phases of the pharmaceutical profession are in active status
19 for the purposes of this subsection.

20 C. Application for renewal of a pharmacist's
21 license shall be made on forms prescribed and furnished by the
22 board and shall indicate whether the renewal applied for will
23 be an active or inactive license. The application, together
24 with the renewal fee, shall be filed with the board.

25 D. Application for renewal of a pharmacist's

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1 license shall be accompanied by proof satisfactory to the board
2 that the applicant has completed continuing education
3 requirements established pursuant to Section 61-11-6 NMSA 1978.

4 E. An application for renewal of a certificate of
5 registration as a pharmacy technician or license as a
6 pharmacist intern shall be filed with the board on forms
7 prescribed and furnished by the board and shall be accompanied
8 by a renewal fee not to exceed twenty-five dollars (\$25.00) per
9 year.

10 F. Until July 1, 2034, a pharmacist's first two
11 license renewals after obtaining licensure shall be free of
12 charge and shall not be subject to a license renewal fee."

13 SECTION 17. Section 61-12A-8 NMSA 1978 (being Laws 1996,
14 Chapter 55, Section 8, as amended) is amended to read:

15 "61-12A-8. BOARD CREATED.--

16 A. The "board of examiners for occupational
17 therapy" is created.

18 B. The board shall be administratively attached to
19 the regulation and licensing department.

20 C. The board shall consist of five members
21 appointed by the governor who have been residents of the state
22 for at least two years preceding the appointment.

23 D. Three members shall be licensed under the
24 provisions of the Occupational Therapy Act; have a minimum of
25 five years' professional experience, with two years' experience

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1 in New Mexico; and have not had their licenses suspended or
2 revoked by this or any other state. One of the professional
3 members may be an occupational therapy assistant and one of the
4 professional members may be a retired occupational therapist or
5 occupational therapy assistant, who has been retired for no
6 more than five years at the time of appointment.

7 E. Two members shall represent the public. The two
8 public members shall have no direct interest in the profession
9 of occupational therapy. The public members shall not:

10 (1) have been convicted of a felony;

11 (2) be habitually intemperate or be addicted
12 to the use of habit-forming drugs or be addicted to any other
13 vice to such a degree as to render the member unfit to fulfill
14 ~~[his]~~ board duties and responsibilities; or

15 (3) be guilty of a violation of the Controlled
16 Substances Act.

17 F. Appointments shall be made for staggered terms
18 of three years with no more than two terms ending at any one
19 time. A board member shall not serve more than two consecutive
20 terms. Vacancies shall be filled for the unexpired term by
21 appointment by the governor prior to the next scheduled board
22 meeting.

23 G. An individual member of the board shall not be
24 liable in a civil or criminal action for an act performed in
25 good faith in the execution of ~~[his]~~ duties as a member of the

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1 board.

2 H. Members of the board shall be reimbursed for per
3 diem and travel expenses as provided in the Per Diem and
4 Mileage Act and [~~shall receive no other compensation,~~
5 ~~perquisite or allowance~~] may be compensated by the regulation
6 and licensing department for time spent carrying out the duties
7 of a board member.

8 I. A simple majority of the board members currently
9 serving shall constitute a quorum of the board for the conduct
10 of business.

11 J. The board shall meet at least four times a year
12 and at other times as it deems necessary. Additional meetings
13 may be convened at the call of the president of the board or on
14 the written request of any two board members to the president.
15 Meetings of the board shall be conducted in accordance with the
16 provisions of the Open Meetings Act.

17 K. A member failing to attend three consecutive
18 meetings, unless excused as provided by board policy, shall
19 automatically be recommended for removal as a member of the
20 board.

21 L. At the beginning of each fiscal year, the board
22 shall elect a president, vice president and secretary-
23 treasurer."

24 SECTION 18. Section 61-12A-18 NMSA 1978 (being Laws 1996,
25 Chapter 55, Section 18, as amended) is amended to read:

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1 "61-12A-18. FEES.--

2 A. Except as provided in Section 61-1-34 NMSA 1978
3 and Subsection B of this section, the board shall establish a
4 schedule of reasonable fees, including an initial licensure
5 fee, an annual renewal fee, an examination fee, a late renewal
6 fee and an inactive status fee. The initial licensure fee is
7 not refundable and shall cover the cost of processing the
8 application and shall include, for successful applicants, the
9 initial annual renewal fee. The board may impose reasonable
10 administration and duplicating fees or any penalties deemed
11 appropriate.

12 B. Until July 1, 2034, a first-time applicant for
13 licensure shall not be charged an application fee or licensure
14 fee, and a licensee shall not be charged a license renewal fee
15 for the licensee's first two license renewals after obtaining
16 licensure."

17 SECTION 19. Section 61-12B-5 NMSA 1978 (being Laws 1984,
18 Chapter 103, Section 5, as amended) is amended to read:

19 "61-12B-5. ADVISORY BOARD CREATED.--

20 A. The superintendent shall appoint an "advisory
21 board of respiratory care practitioners" consisting of five
22 members as follows:

23 (1) one physician licensed in New Mexico who
24 is knowledgeable in respiratory care;

25 (2) two respiratory care practitioners who are

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1 residents of New Mexico, licensed by the department and in good
2 standing. At least one of the respiratory care practitioners
3 shall have been actively engaged in the practice of respiratory
4 care for at least five years immediately preceding appointment
5 or reappointment; and

6 (3) two public members who are residents of
7 New Mexico. A public member shall not have been licensed as a
8 respiratory care practitioner nor shall ~~[he]~~ the public member
9 have any financial interest, direct or indirect, in the
10 occupation to be regulated.

11 B. The board shall be administratively attached to
12 the department.

13 C. A member shall serve no more than two
14 consecutive three-year terms.

15 D. ~~[A member]~~ Members of the board shall ~~[receive]~~
16 be reimbursed for per diem and [mileage] travel expenses as
17 provided ~~[for nonsalaried public officers]~~ in the Per Diem and
18 Mileage Act and ~~[shall receive no other compensation,~~
19 ~~perquisite or allowance in connection with the discharge of his~~
20 ~~duties as a board member]~~ may be compensated by the department
21 for time spent carrying out the duties of a board member.

22 E. A member failing to attend three consecutive
23 regular and properly noticed meetings of the board without a
24 reasonable excuse shall be automatically removed from the
25 board.

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1 F. In the event of a vacancy, the board shall
2 immediately notify the superintendent of the vacancy. Within
3 ninety days of receiving notice of a vacancy, the
4 superintendent shall appoint a qualified person to fill the
5 remainder of the unexpired term.

6 G. A majority of the board members currently
7 serving constitutes a quorum of the board.

8 H. The board shall meet at least twice a year and
9 at such other times as it deems necessary.

10 I. The board shall annually elect officers as
11 deemed necessary to administer its duties."

12 SECTION 20. Section 61-12B-11 NMSA 1978 (being Laws 1984,
13 Chapter 103, Section 11, as amended) is amended to read:

14 "61-12B-11. FEES.--

15 A. Except as provided in Section 61-1-34 NMSA 1978
16 and Subsection D of this section, the superintendent, in
17 consultation with the board, shall by rule establish a schedule
18 of reasonable fees for licenses, temporary permits and renewal
19 of licenses for respiratory care practitioners.

20 B. The initial application fee shall be set in an
21 amount not to exceed one hundred fifty dollars (\$150).

22 C. A license renewal fee shall be established in an
23 amount not to exceed one hundred fifty dollars (\$150).

24 D. Until July 1, 2034 a first-time applicant for
25 licensure shall not be charged an application fee or licensure

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1 fee, and a respiratory care practitioner shall not be charged a
2 license renewal fee for the respiratory care practitioner's
3 first two license renewals after obtaining licensure."

4 SECTION 21. Section 61-12C-7 NMSA 1978 (being Laws 1991,
5 Chapter 147, Section 7, as amended) is amended to read:

6 "61-12C-7. BOARD CREATED--MEMBERSHIP.--

7 A. The "massage therapy board" is created. The
8 board is administratively attached to the department.

9 B. The board consists of five members who are New
10 Mexico residents. Members of the board shall be appointed by
11 the governor to terms of four years. The terms shall be
12 staggered, and the governor shall make appointments of two two-
13 year terms, two three-year terms and one four-year term, if
14 necessary, to produce staggered terms. Three members of the
15 board shall be massage therapists, each with at least five
16 years of massage therapy practice and who are actively engaged
17 in the practice of massage therapy during their tenure as
18 members. Two members of the board shall be public members who
19 have not been licensed and have no financial interest, direct
20 or indirect, in the profession of massage therapy.

21 C. Each member of the board shall hold office until
22 a successor has been appointed and qualified.

23 D. No board member shall serve more than two full
24 consecutive terms.

25 E. The board shall elect annually a chair and other

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1 officers as it deems necessary. The board shall meet as often
2 as necessary for the conduct of business, but no less than
3 twice a year. Meetings shall be held in accordance with the
4 Open Meetings Act. Three members, at least one of whom must be
5 a public member, shall constitute a quorum.

6 F. A board member may be recommended for removal as
7 a member of the board for failing to attend, after proper
8 notice, three consecutive board meetings.

9 G. Members of the board shall be reimbursed [~~as~~
10 ~~provided for nonsalaried public officers~~] for per diem and
11 travel expenses as provided in the Per Diem and Mileage Act and
12 [~~shall receive no other compensation, perquisite or allowance~~]
13 may be compensated by the department for time spent carrying
14 out the duties of a board member."

15 SECTION 22. Section 61-12C-20 NMSA 1978 (being Laws 1991,
16 Chapter 147, Section 20, as amended) is amended to read:

17 "61-12C-20. LICENSE FEES.--

18 A. Except as provided in Section 61-1-34 NMSA 1978
19 and Subsection B of this section, the board shall establish by
20 rule a schedule of reasonable fees for applications,
21 examinations, licenses, registrations, inspections, renewals,
22 penalties, reactivation and necessary administrative fees, but
23 no single fee shall exceed five hundred dollars (\$500). All
24 fees collected shall be deposited in the massage therapy fund.

25 B. Until July 1, 2034, a first-time applicant for

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1 licensure shall not be charged an application fee or licensure
2 fee, and a massage therapist shall not be charged a license
3 renewal fee for the massage therapist's first two license
4 renewals after obtaining licensure."

5 SECTION 23. Section 61-12D-4 NMSA 1978 (being Laws 1997,
6 Chapter 89, Section 4, as amended) is amended to read:

7 "61-12D-4. BOARD CREATED.--

8 A. The "physical therapy board" is created. The
9 board shall be administratively attached to the regulation and
10 licensing department. The board shall consist of five members
11 appointed by the governor. Three members shall be physical
12 therapists who are residents of the state, who possess
13 unrestricted licenses to practice physical therapy and who have
14 been practicing in New Mexico for no less than five years. Two
15 members shall be citizens appointed from the public at large
16 who are not associated with, or financially interested in, any
17 health care profession.

18 B. Appointments shall be made for staggered terms
19 of three years with no more than two terms ending at any one
20 time. A member shall not serve for more than two successive
21 three-year terms. Vacancies shall be filled for the unexpired
22 term by appointment by the governor prior to the next scheduled
23 board meeting. Board members shall continue to serve until a
24 successor has been appointed and qualified.

25 C. The members shall elect a [~~chairman~~] chair and

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1 may elect other officers as they deem necessary.

2 D. The governor may remove a member of the board
3 for misconduct, incompetence or neglect of duty.

4 E. Members may receive per diem and mileage
5 pursuant to the Per Diem and Mileage Act [~~but shall receive no~~
6 ~~other compensation, perquisite or allowance~~] and may be
7 compensated by the regulation and licensing department for time
8 spent carrying out the duties of a board member.

9 F. There shall be no liability on the part of and
10 no action for damages against any board member when the member
11 is acting within the scope of [~~his~~] the member's duties."

12 SECTION 24. Section 61-12D-7 NMSA 1978 (being Laws 1997,
13 Chapter 89, Section 7, as amended) is amended to read:

14 "61-12D-7. FEES.--

15 A. Except as provided in Section 61-1-34 NMSA 1978
16 and Subsection C of this section, the board, by [~~regulation~~]
17 rule, may charge the following fees:

18 (1) application for licensure as a physical
19 therapist, not to exceed three hundred dollars (\$300); provided
20 that an additional fee to cover the cost of any examinations
21 provided by the board may be charged;

22 (2) application for licensure as a physical
23 therapist assistant, not to exceed three hundred dollars
24 (\$300); provided that an additional fee to cover the cost of
25 any examinations provided by the board may be charged;

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1 (3) annual renewal of license as a physical
2 therapist, not to exceed one hundred fifty dollars (\$150);

3 (4) annual renewal of license as a physical
4 therapist assistant, not to exceed one hundred dollars (\$100);
5 and

6 (5) late fee, not to exceed five hundred
7 dollars (\$500).

8 B. The board may charge reasonable administration
9 and duplication fees.

10 C. Until July 1, 2034, a first-time applicant for
11 licensure shall not be charged an application fee or licensure
12 fee, and a person licensed pursuant to the Physical Therapy Act
13 shall not be charged a license renewal fee for the person's
14 first two license renewals after obtaining licensure."

15 SECTION 25. Section 61-14A-7 NMSA 1978 (being Laws 1993,
16 Chapter 158, Section 15, as amended) is amended to read:

17 "61-14A-7. BOARD CREATED--APPOINTMENT--OFFICERS--
18 COMPENSATION.--

19 A. The "board of acupuncture and oriental medicine"
20 is created.

21 B. The board is administratively attached to the
22 regulation and licensing department.

23 C. The board shall consist of seven members
24 appointed by the governor for terms of three years each. Four
25 members of the board shall be doctors of oriental medicine who

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1 have been residents of and practiced acupuncture and oriental
2 medicine in New Mexico for at least five years immediately
3 preceding the date of their appointment. Three members shall
4 be appointed to represent the public and shall not have
5 practiced acupuncture and oriental medicine in this or any
6 other jurisdiction or have any financial interest in the
7 profession regulated. ~~[No]~~ A board member shall not be the
8 owner, principal or director of an institute offering
9 educational programs in acupuncture and oriental medicine. No
10 more than one board member may be from each of the following
11 categories:

12 (1) a faculty member at an institute offering
13 educational programs in acupuncture and oriental medicine;

14 (2) a tutor in acupuncture and oriental
15 medicine; or

16 (3) an officer or director in a professional
17 association of acupuncture and oriental medicine.

18 D. Members of the board shall be appointed by the
19 governor for staggered terms of three years that shall be made
20 in such a manner that the terms of board members expire on July
21 1. A board member shall serve until ~~[his]~~ a successor has been
22 appointed and qualified. Vacancies shall be filled for the
23 remainder of the unexpired term in the same manner as the
24 original appointment.

25 E. A board member shall not serve more than two

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1 consecutive full terms, and a board member who fails to attend,
2 after ~~[he]~~ the board member has received proper notice, three
3 consecutive meetings shall be recommended for removal as a
4 board member unless excused for reasons established by the
5 board.

6 F. The board shall elect annually from its
7 membership a ~~[chairman]~~ chair and other officers as necessary
8 to carry out its duties.

9 G. The board shall meet at least once each year and
10 at other times deemed necessary. Other meetings may be called
11 by the ~~[chairman]~~ chair, a majority of board members or the
12 governor. A simple majority of the board members serving
13 constitutes a quorum of the board.

14 H. Members of the board shall be reimbursed as
15 provided in the Per Diem and Mileage Act and ~~[shall receive no
16 other compensation, perquisite or allowance]~~ may be compensated
17 by the regulation and licensing department for time spent
18 carrying out the duties of a board member."

19 SECTION 26. Section 61-14A-16 NMSA 1978 (being Laws 1993,
20 Chapter 158, Section 24, as amended) is amended to read:

21 "61-14A-16. FEES.--

22 A. Except as provided in Section 61-1-34 NMSA 1978
23 and Subsection B of this section, the board shall establish a
24 schedule of reasonable nonrefundable fees not to exceed the
25 following amounts:

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- 1 [A-] (1) application for licensing . . . \$800;
- 2 [B-] (2) application for expedited licensing
- 3 750;
- 4 [C-] (3) application for temporary licensing
- 5 500;
- 6 [D-] (4) examination, not including the cost
- 7 of any nationally recognized examination. 700;
- 8 [E-] (5) annual license renewal 400;
- 9 [F-] (6) late license renewal 200;
- 10 [G-] (7) expired license renewal 400;
- 11 [H-] (8) temporary license renewal 100;
- 12 [I-] (9) application for approval or renewal
- 13 of approval of an educational program 600;
- 14 [J-] (10) late renewal of approval of an
- 15 educational program 200;
- 16 [K-] (11) annual continuing education provider
- 17 registration. 200;
- 18 [L-] (12) application for extended or expanded
- 19 prescriptive authority. 500;
- 20 [M-] (13) application for externship
- 21 supervisor registration 500;
- 22 [N-] (14) application for extern
- 23 certification 500;
- 24 and
- 25 [O-] (15) fees to cover reasonable and

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1 necessary administrative expenses.

2 B. Until July 1, 2034, a first-time applicant for
3 licensure shall not be charged an application fee or licensure
4 fee, and a person licensed pursuant to the Acupuncture and
5 Oriental Medicine Practice Act shall not be charged a license
6 renewal fee for the person's first two license renewals after
7 obtaining licensure."

8 SECTION 27. Section 61-14B-10 NMSA 1978 (being Laws 1996,
9 Chapter 57, Section 10, as amended) is amended to read:

10 "61-14B-10. TERMS--REIMBURSEMENT--MEETINGS.--

11 A. Members of the board shall be appointed by the
12 governor for staggered terms of three years. Each member shall
13 hold office until the member's successor is appointed.
14 Vacancies shall be filled for the unexpired term in the same
15 manner as original appointments.

16 B. A majority of the board members serving
17 constitutes a quorum of the board. The board shall meet at
18 least once a year and at such other times as it deems
19 necessary.

20 C. The board shall elect a chair and other officers
21 as deemed necessary to administer its duties.

22 D. No board member shall serve more than two full
23 consecutive terms, and a member failing to attend three
24 meetings after proper notice shall automatically be recommended
25 for removal as a board member unless excused for reasons set

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1 forth in board [~~regulations~~] rules.

2 E. Members of the board shall be reimbursed as
3 provided in the Per Diem and Mileage Act and [~~shall receive no~~
4 ~~other compensation, perquisite or allowance~~] may be compensated
5 by the department for time spent carrying out the duties of a
6 board member.

7 F. No member of the board shall be liable in a
8 civil action for any act performed in good faith in the
9 performance of the member's duties."

10 SECTION 28. Section 61-14B-20 NMSA 1978 (being Laws 1996,
11 Chapter 57, Section 20, as amended) is amended to read:

12 "61-14B-20. FEES.--

13 A. Except as provided in Section 61-1-34 NMSA 1978
14 and Subsection B of this section, the board shall establish a
15 schedule of reasonable fees for applications, licenses, renewal
16 of licenses, exams, penalties and administrative fees. The
17 license and license renewal fees shall not exceed:

18 [~~A.~~] (1) one hundred dollars (\$100) for
19 clinical fellows and apprentices in speech and language;

20 [~~B.~~] (2) two hundred dollars (\$200) for
21 audiologists or speech-language pathologists;

22 [~~C.~~] (3) six hundred dollars (\$600) for
23 hearing aid dispensers;

24 [~~D.~~] (4) four hundred dollars (\$400) for
25 examinations;

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1 ~~[E.]~~ (5) one hundred dollars (\$100) for late
2 renewal fees;

3 ~~[F.]~~ (6) four hundred dollars (\$400) for
4 hearing aid dispensing endorsement;

5 ~~[G.]~~ (7) five hundred dollars (\$500) for a
6 hearing aid dispenser trainee license, which fee includes
7 examination, both written and practical;

8 ~~[H.]~~ (8) one hundred dollars (\$100) for
9 bilingual-multicultural endorsement; and

10 ~~[I.]~~ (9) reasonable administrative fees.

11 B. Until July 1, 2034, a first-time applicant for
12 licensure shall not be charged an application fee or licensure
13 fee, and a person licensed pursuant to the Speech-Language
14 Pathology, Audiology and Hearing Aid Dispensing Practices Act
15 shall not be charged a license renewal fee for the person's
16 first two license renewals after obtaining licensure."

17 SECTION 29. Section 61-14D-7 NMSA 1978 (being Laws 1993,
18 Chapter 325, Section 7, as amended) is amended to read:

19 "61-14D-7. BOARD CREATED.--

20 A. There is created the "athletic trainer practice
21 board".

22 B. The board shall be administratively attached to
23 the department.

24 C. The board shall consist of five members who are
25 United States citizens and have been New Mexico residents for

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1 at least three years prior to their appointment. Members of
2 the board shall be appointed by the governor for staggered
3 terms of three years each. Three of the members shall be
4 athletic trainers licensed pursuant to provisions of the
5 Athletic Trainer Practice Act. One member shall be employed by
6 a high school. Two members shall represent the public and have
7 no financial interest, direct or indirect, in the occupation
8 regulated. One public member shall be from any area north of
9 interstate 40 in the state and one public member shall be from
10 any area south of interstate 40 in the state. Board members
11 shall reside in separate districts. Board members shall serve
12 until their successors have been appointed.

13 D. Members of the board shall be reimbursed as
14 provided in the Per Diem and Mileage Act and [~~shall receive no~~
15 ~~other compensation, perquisite or allowance~~] may be compensated
16 by the department for time spent carrying out the duties of a
17 board member.

18 E. A simple majority of the board members currently
19 serving shall constitute a quorum of the board.

20 F. The board shall meet at least once a year and at
21 such other times as it deems necessary.

22 G. No board member shall serve more than two
23 consecutive terms. Any member failing to attend three
24 meetings, after proper notice, shall automatically be
25 recommended to be removed as a board member, unless excused for

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1 reasons set forth in board [~~regulations~~] rules.

2 H. The board shall elect a [~~chairman~~] chair and
3 other officers as deemed necessary to administer its duties."

4 SECTION 30. Section 61-14D-14 NMSA 1978 (being Laws 1993,
5 Chapter 325, Section 14, as amended) is amended to read:

6 "61-14D-14. FEES.--

7 A. Except as provided in Section 61-1-34 NMSA 1978
8 and Subsection B of this section, the board shall establish a
9 schedule of reasonable fees, not to exceed one hundred dollars
10 (\$100) each for applications, licenses, expedited licenses,
11 provisional permits, renewal of licenses, placement on inactive
12 status and necessary and reasonable administrative fees and
13 initial prorated licensing fees.

14 B. Until July 1, 2034, a first-time applicant for
15 licensure shall not be charged an application fee or licensure
16 fee, and a person licensed pursuant to the Athletic Trainer
17 Practice Act shall not be charged a license renewal fee for the
18 person's first two license renewals after obtaining licensure."

19 SECTION 31. EFFECTIVE DATES.--

20 A. The effective date of the provisions of Sections
21 2, 3, 5, 6, 9, 11, 13, 15, 16, 18, 20, 22, 24, 26, 28 and 30 of
22 this act is July 1, 2024.

23 B. The effective date of the provisions of Sections
24 8, 10, 17, 19, 23, 25, 27 and 29 of this act is July 1, 2027.

25 C. The effective date of the provisions of Sections

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1 12 and 21 of this act is July 1, 2028.

2 D. The effective date of the provisions of Sections
3 1, 4, 7 and 14 of this act is July 1, 2029.

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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING APPROPRIATIONS TO THE CHILDREN'S TRUST FUND AND THE NEXT
GENERATION FUND TO INCREASE THE AMOUNT OF GRANT FUNDING THAT
CAN BE USED EACH YEAR TO SUPPORT PROGRAMS THAT PROTECT
CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. APPROPRIATION.--Six million dollars
(\$6,000,000) is appropriated from the general fund to the
children's trust fund for expenditure in fiscal year 2025 and
subsequent fiscal years to increase the amount of grant funding
that can be used each year to support programs that protect
children. Any unexpended or unencumbered balance remaining at
the end of a fiscal year shall not revert to the general fund.

SECTION 2. APPROPRIATION.--Four million dollars
(\$4,000,000) is appropriated from the general fund to the next

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1 generation fund for expenditure in fiscal year 2025 and
2 subsequent fiscal years to increase the amount of grant funding
3 that can be used each year to support programs that protect
4 children. Any unexpended or unencumbered balance remaining at
5 the end of a fiscal year shall not revert to the general fund.

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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH; REQUIRING THE DEPARTMENT OF HEALTH TO PAY
LICENSED BOARDING HOMES FOR HOUSING PEOPLE DISCHARGED FROM THE
NEW MEXICO BEHAVIORAL HEALTH INSTITUTE AT LAS VEGAS OR THE
UNIVERSITY OF NEW MEXICO ADULT PSYCHIATRIC CENTER; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Health Act is
enacted to read:

"NEW MATERIAL PAYMENT TO LICENSED BOARDING HOMES.--

A. Beginning January 1, 2025, the department of
health shall pay each boarding home that admits a person who is
discharged from the New Mexico behavioral health institute at
Las Vegas or the university of New Mexico adult psychiatric
center two hundred dollars (\$200) for each month that the

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1 person is a resident of the boarding home.

2 B. The department of health shall promulgate rules
3 for the payment of boarding homes. At a minimum, the rules
4 shall address:

5 (1) the documentation required to be submitted
6 by the boarding home to be eligible for payment; and

7 (2) safeguards to prevent fraud.

8 C. For the purposes of this section, "boarding
9 home" means a facility licensed by the department of health as
10 a boarding home."

11 SECTION 2. APPROPRIATION.--Two hundred fifty thousand
12 dollars (\$250,000) is appropriated from the general fund to the
13 department of health for expenditure in fiscal year 2025 to pay
14 licensed boarding homes for housing people released from the
15 New Mexico behavioral health institute at Las Vegas or the
16 university of New Mexico adult psychiatric center. Any
17 unexpended or unencumbered balance remaining at the end of
18 fiscal year 2025 shall revert to the general fund.

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

AN ACT

RELATING TO PUBLIC HEALTH; CREATING THE STATEWIDE PUBLIC HEALTH AND CLIMATE PROGRAM; CREATING THE PUBLIC HEALTH AND CLIMATE RESILIENCY FUND; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Health Act is enacted to read:

"[NEW MATERIAL] STATEWIDE PUBLIC HEALTH AND CLIMATE PROGRAM.--

A. By January 1, 2025, the environmental health epidemiology bureau of the epidemiology and response division of the department shall establish a statewide public health and climate program.

B. In implementing the statewide public health and climate program, the environmental health epidemiology bureau

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1 shall:

2 (1) administer the public health and climate
3 resiliency fund to assist local communities in preparing for
4 and responding to public health emergencies related to ongoing
5 climate change and extreme weather events;

6 (2) help improve interagency collaboration
7 focused on:

8 (a) health equity;

9 (b) improving surveillance for assessing
10 excess injuries and deaths related to ongoing climate change
11 and extreme weather events;

12 (c) reviewing and recommending
13 appropriate updates to health and safety standards relating to
14 ongoing climate change and extreme weather events; and

15 (d) reducing health impacts of extreme
16 weather and climate adaptation in New Mexico;

17 (3) assist in the formulation of concrete,
18 coordinated and cohesive action plans supporting local
19 communities in building health resiliency to future climate
20 impacts;

21 (4) provide climate and public health
22 expertise to assist local community planning in:

23 (a) making health-informed decisions
24 about current and future climate impacts;

25 (b) integrating the latest climate and

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1 public health science into emergency preparedness programs;

2 (c) accessing federal and other funds
3 for climate adaptation;

4 (d) improving surveillance of health
5 care utilization and excess disease, injuries and deaths
6 related to ongoing climate change and extreme weather events;

7 (e) providing appropriate mechanisms for
8 rapidly assessing and reporting on excess disease, injuries and
9 deaths related to ongoing climate change and extreme weather
10 events; and

11 (f) identifying and implementing locally
12 appropriate interventions that prevent or mitigate the impacts
13 of climate change on health; and

14 (5) facilitate meaningful community engagement
15 within communities most harmed, or determined by climate
16 science as most likely to be harmed, by extreme weather
17 events."

18 SECTION 2. A new section of the Public Health Act is
19 enacted to read:

20 "[NEW MATERIAL] PUBLIC HEALTH AND CLIMATE RESILIENCY FUND
21 CREATED.--

22 A. The "public health and climate resiliency fund"
23 is created as a reverting fund in the state treasury. The fund
24 consists of appropriations, gifts, grants, donations, income
25 from investment of the fund and any other money distributed or

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1 otherwise allocated to the fund. The department shall
2 administer the fund. Money in the fund is appropriated to the
3 department for the purposes set forth in Subsection B of this
4 section. Disbursements from the fund shall be made by warrant
5 of the secretary of finance and administration pursuant to
6 vouchers signed by the secretary of health or the secretary's
7 authorized representative.

8 B. Money in the public health and climate
9 resiliency fund may be used by the department to make grants of
10 up to two hundred fifty thousand dollars (\$250,000) to a
11 political subdivision of the state or an Indian nation, tribe
12 or pueblo for the purposes of preparing for and responding to
13 public health emergencies related to extreme weather and other
14 climate impacts.

15 C. The secretary shall prioritize grant
16 applications that:

17 (1) emphasize planning, projects and
18 activities to benefit people in low-income and disadvantaged
19 communities;

20 (2) provide for integration of public health
21 concerns and recommendations with other local emergency and
22 climate adaptation plans, projects and activities;

23 (3) emphasize planning, projects and
24 activities that are also eligible for grant funds from state or
25 federal programs or help New Mexico become eligible for federal

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1 funds;

2 (4) involve local health councils as direct
3 participants in the planning process; and

4 (5) assess the appropriateness of potential
5 adaptation measures for a community, including the need for and
6 the possible implementation of:

7 (a) household and workplace safety
8 measures, such as air purifiers, weatherization, air quality
9 sensors, indoor thermometers and outdoor thermometers, at major
10 worksites and support initiatives to facilitate access to
11 energy efficiency and assistance programs;

12 (b) cool-air, smoke, flood and wildfire
13 shelters;

14 (c) backup generators and electricity
15 storage facilities in libraries, government buildings, schools
16 and community centers; and

17 (d) fire safety measures such as
18 clearing brush for the elderly and people with disabilities,
19 widening roads for evacuation and burying power lines.

20 D. Not less than fifty percent of the total grant
21 funds approved by the secretary shall be awarded to political
22 subdivisions with total human populations equal to or less than
23 one hundred thousand.

24 E. There shall be no requirement for matching funds
25 for eligibility for grant applications pursuant to this

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1 section."

2 SECTION 3. APPROPRIATIONS.--

3 A. One million one hundred thousand dollars
4 (\$1,100,000) is appropriated from the general fund to the
5 department of health for expenditure in fiscal year 2025 to
6 support the statewide public health and climate program within
7 the environmental health epidemiology bureau of the
8 epidemiology and response division of the department of health.
9 Any unexpended or unencumbered balance remaining at the end of
10 fiscal year 2025 shall revert to the general fund.

11 B. Ten million dollars (\$10,000,000) is
12 appropriated from the general fund to the department of health
13 for expenditure in fiscal years 2025 through 2029 for the
14 public health and climate resiliency fund. Any unexpended or
15 unencumbered balance remaining at the end of fiscal year 2029
16 shall revert to the general fund.

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE HEALTH CARE AUTHORITY DEPARTMENT FOR A STUDY THAT IDENTIFIES, AND EVALUATES THE MERITS OF, STRATEGIES FOR CREATING A STATE-RUN LONG-TERM RESIDENTIAL REHABILITATION FACILITY THAT TREATS INDIVIDUALS WITH SUBSTANCE USE DISORDER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. APPROPRIATION.--Four hundred thousand dollars (\$400,000) is appropriated from the general fund to the health care authority department for expenditure in fiscal year 2025 to conduct a study that identifies, and evaluates the merits of, strategies for creating a state-run long-term residential rehabilitation facility that treats individuals with substance use disorder. Any unexpended or unencumbered balance remaining at the end of fiscal year 2025 shall revert to the general

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO EXECUTIVE REORGANIZATION; CREATING A TASK FORCE TO
STUDY THE FEASIBILITY OF CREATING AN AFRICAN AMERICAN AFFAIRS
DEPARTMENT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. TEMPORARY PROVISION--AFRICAN AMERICAN AFFAIRS
DEPARTMENT STUDY TASK FORCE--MEMBERSHIP--DUTIES.--**

A. The "African American affairs department study
task force" is created and shall function from the date of its
appointment until December 1, 2024.

B. The task force shall consist of the following
eleven members:

(1) the director of the office on African
American affairs or the director's designee;

(2) the chair of the Martin Luther King, Jr.

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1 commission or the chair's designee;

2 (3) the executive director of the African
3 American performing arts center or the executive director's
4 designee;

5 (4) the general manager of expo New Mexico;

6 (5) the speaker of the house of
7 representatives or the speaker's designee;

8 (6) the president pro tempore of the senate or
9 the president pro tempore's designee; and

10 (7) five members appointed by the governor who
11 are representatives of charitable or community organizations
12 working on behalf of African American communities in New Mexico
13 or persons who have knowledge of and interest in issues
14 affecting African American communities in New Mexico.

15 C. The governor shall appoint the chair of the task
16 force.

17 D. Members of the task force who are not state
18 employees or otherwise reimbursed for per diem and mileage
19 expenses are entitled to receive per diem and mileage
20 reimbursement as provided in the Per Diem and Mileage Act and
21 shall receive no other compensation, perquisite or allowance.

22 E. The health care authority department in
23 collaboration with the office on African American affairs shall
24 convene the task force and provide the task force with staff.

25 F. The task force shall study the feasibility of

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1 creating an African American affairs department by evaluating:

2 (1) the possible organizational structure,
3 staffing needs and costs of an African American affairs
4 department;

5 (2) the fiscal and administrative benefits of
6 unifying the resources and operations of the office on African
7 American affairs, the Martin Luther King, Jr. commission and
8 the African American performing arts center;

9 (3) the potential benefits to New Mexico and
10 African American communities in New Mexico provided by an
11 African American affairs department; and

12 (4) other areas of concern deemed relevant by
13 the task force.

14 G. The task force shall submit a final report
15 detailing its findings and recommendations to the governor and
16 the legislature by December 1, 2024.

17 **SECTION 2. APPROPRIATION.**--One hundred thousand dollars
18 (\$100,000) is appropriated from the general fund to the health
19 care authority department for expenditure in fiscal years 2024
20 and 2025 to support the African American affairs department
21 study task force. Any unexpended or unencumbered balance
22 remaining at the end of fiscal year 2025 shall revert to the
23 general fund.

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE
UNIVERSITY OF NEW MEXICO TO SUPPORT THE COMMUNITIES TO CAREERS
PROGRAMS AT THE UNIVERSITY OF NEW MEXICO HEALTH SCIENCES
CENTER'S OFFICE FOR DIVERSITY, EQUITY AND INCLUSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. APPROPRIATION.--One million one hundred
seventy-eight thousand two hundred eighty-six dollars
(\$1,178,286) is appropriated from the general fund to the board
of regents of the university of New Mexico for expenditure in
fiscal year 2025 to support the communities to careers programs
at the university of New Mexico health sciences center's office
for diversity, equity and inclusion. Any unexpended or
unencumbered balance remaining at the end of fiscal year 2025
shall revert to the general fund.

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LEGISLATIVE COUNCIL SERVICE
SANTA FE, NEW MEXICO