

LFC Requester:

Eric Chenier

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: 1/29/25

Check all that apply:

Bill Number: HB152

Original Correction Amendment Substitute

Sponsor: Rep. Eleanor Chávez

Short Title: Prevent Certain Treatment Restrictions

Agency Name

and Code

HCA 630

Number:

Person Writing: Jacqueline Nielsen

Phone: 505-709-5622 Email: Jacqueline.nielsen@state**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$TBD(based on evidence-based addition treatment for minors fund)	\$TBD(based on evidence-based addition treatment for minors fund)	Recurring	Recurring

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
None	None	None		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	\$51.5	\$205.8	\$205.8	\$463.1	Recurring	SGF

	\$27.0	\$54.0	\$54.0	\$135.0	Recurring	SGF
	\$27.0	\$54.0	\$54.0	\$135.0	Recurring	Federal Medicaid Funds
Total	\$105.5	\$313.8	\$313.8	\$733.1	Recurring	Total

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill (HB 152) would prevent the restriction of Medication Assisted Treatment (MAT) for minors in inpatient, outpatient substance use treatment facilities, juvenile correction and juvenile detention facilities and programs that house or treat adolescents with a substance use disorder that are operated and funded by the state. HB152 also creates the Evidence Based Addiction Treatment for Minors fund and creates an appropriation. HB152 requires the Health Care Authority Department (HCA) to promulgate rules for operation of medication-assisted treatment in inpatient and outpatient substance use treatment programs for minor patients; prohibits the Health Care Authority (HCA), Department of Health (DOH) and Children, Youth and Families Departments (CYFD) from operating or contracting with programs that restrict such treatment; and prohibits funded facilities and programs from restricting such treatment. Requires reports and rules be established for service delivery and eligibility requirements disbursement of monies from the fund.

FISCAL IMPLICATIONS

HCA’s Behavioral Health Services Division (BHSD) may need 1 FTE at a pay band 70 and a .5 of a supervisor position at a pay band 75 for up to a total recurring cost of \$205,800 for salary, fringe benefits, and operating costs. These positions will administer the Fund and assist CYFD, DOH, and licensed substance use treatment providers to establish and operate medication-assisted treatment programs for minors. These positions would ensure that New Mexico adheres to the Code of Federal Regulations 42.8.12 Federal Opioid treatment standards and possible changes to New Mexico Administrative Code (NMAC) and other behavioral health policy changes are made in collaboration with state agencies. HB152 does not indicate the amount of the appropriation.

HCA’s Medical Assistance Division (MAD) would need 1 FTE at a pay band 70 specifically for oversight and monitoring related to the change in reimbursement requirement for up to a recurring cost of \$107,900 for salary, fringe, benefits and operating costs. This would be eligible for a 50% federal match.

SIGNIFICANT ISSUES

The HCA Behavioral Health Services Division (BHSD) and Medical Assistance Division (MAD) would need to collaborate with the Department of Health (DOH) and Children Youth and Families

Department (CYFD) to ensure that federal statutes, regulations and guidelines that govern the operation for Medication Assisted Treatment (MAT) programs are adhered to for those under 18.

There are no age restrictions to MAT services within current Medicaid rule (8.321.2 Specialized Behavioral Health Provider Enrollment and Reimbursement).

Language in HB152 restricting contracting and payment to providers who do not provide MAT services within their facility poses limitations on the provider network. There are a limited number of providers in New Mexico that serve youth under 18 with substance use disorder services. Telemedicine has contributed to the expansion of the behavioral health network. Recent regulations to federal regulations have significantly expanded service with buprenorphine via telehealth. <https://www.federalregister.gov/documents/2023/03/01/2023-04217/expansion-of-induction-ofbuprenorphine-via-telemedicine-encounter>

Medical Assistance Division Significant Issues

If enacted, this bill prohibits Medicaid reimbursement to inpatient substance use treatment facilities, outpatient substance uses treatment programs, juvenile correction facilities or juvenile detention facilities that have policies that restrict the use of MAT services. It is unclear if this bill intends to restrict reimbursement for substance use services specifically or all services a facility may provide. Facilities may provide a range of services that may not be limited to substance use.

PERFORMANCE IMPLICATIONS

HCA would need to gather and analyze the availability of MAT for minor patients and the capacity of current providers at inpatient substance use treatment facilities and outpatient substance use treatment programs to determine next steps in ensuring access to services for minors.

HCA FTEs noted in fiscal implications, would need to collaborate with CYFD, DOH and other stakeholders to develop evidence-based addiction treatment for minors. The HCA will need to collaborate with CYFD and DOH to develop rules, policies, procedures and oversee promulgation to administer funds appropriated by the "evidence-based addiction treatment for minors fund".

A complete promulgation takes between 9 and 12 months. It would be difficult for HCA to promulgate rules for the operation of MAT treatment programs and disbursement of funds by December 1, 2025.

ADMINISTRATIVE IMPLICATIONS

HCA would need to collaborate with CYFD and DOH to oversee policy development, service coordination, compliance, reporting functions and financial management.

No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

As a companionship consideration, the Medicaid 1115 Waiver for Justice Re-entry Services for youth and adults, slated for implementation on 7/1/25. Services for this population will be available 30 to 90 days prior to release from a correctional facility. Mandatory services include Care Management, MAT services for all types of substance use disorders (SUD) as clinically appropriate, and 30 days of prescription Medication for Medicaid clients that are justice-involved youth.. Providers will need to register as a Medicaid provider to provide these services.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

None