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## FISCAL IMPACT REPORT

|                    |   |                      |                      |
|--------------------|---|----------------------|----------------------|
| <b>SPONSOR</b>     | <u>Thomson</u>                          | <b>LAST UPDATED</b>  | <u>01/24/2025</u>    |
|                    | Firefighter & EMS Provider Peer Support | <b>ORIGINAL DATE</b> | <u>01/24/2025</u>    |
| <b>SHORT TITLE</b> | <u>Act</u>                              | <b>BILL NUMBER</b>   | <u>House Bill 74</u> |
|                    |   | <b>ANALYST</b>       | <u>Rommel</u>        |

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

| Agency/Program                           | FY25             | FY26                      | FY27                      | 3 Year Total Cost         | Recurring or Nonrecurring | Fund Affected     |
|--|------------------|---------------------------|---------------------------|---------------------------|---------------------------|-------------------|
| SFMO                                     | No fiscal impact | Up to \$100.0             | \$0                       | \$100.0                   | Nonrecurring              | Other state funds |
| SFMO                                     | No fiscal impact | At least \$54.0           | At least \$54.0           | At least \$108.0          | Recurring                 | Other state funds |
| State, Local, and Regional Fire Agencies | No fiscal impact | Indeterminate but minimal | Indeterminate but minimal | Indeterminate but minimal | Recurring                 | Other state funds |
| <b>Total</b>                             | No fiscal impact | Up to \$154.0             | At least \$54.0           | At least \$208.0          |                           | Other state funds |

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files  
 New Mexico Department of Homeland Security Fire Grant Council  
 Federal Emergency Management Agency

Agency Analysis Received From  
 Health Care Authority (HCA)  
 Regulation and Licensing Department (RLD)  
 Department of Homeland Security and Emergency Management (DHSEM)

## SUMMARY

### Synopsis of House Bill 74

House Bill 74 (HB74) would allow any state, local, or regional public fire agency to establish a peer support program to provide peer-based behavioral health services, such as grief support, to emergency service providers. Any peer support team member must complete a training course approved by the State Fire Marshall’s Office (SFMO). HB74 includes confidentiality provisions for communications between a peer support team member and an emergency service provider. Additionally, HB74 limits liability for peer support team members, and their fire agency employers, except for acts, errors, or omissions that constitute a failure to exercise ordinary care. The bill subjects those acts, errors, and omissions to the Tort Claims Act.

## FISCAL IMPLICATIONS

HB74 contains no appropriation. Additional operating budget impact to SFMO is estimated as follows:

- 1) Up to \$100 thousand nonrecurring in FY26 for training program procurement and development.
- 2) \$54 thousand recurring beginning in FY26 for 0.5 FTE to manage the training program (based on midpoint salary plus fringe for a Fire Training Academy instructor). FTE costs could increase as additional fire agencies request peer support training.

State, local, and regional fire agencies would likely need to pay for their providers to take an SFMO-approved peer support training program. Funds from the fire protection fund and fire protection grant fund may be able to provide limited support for developing peer support programs. Statute (59A-53-8 NMSA 1978) allows fire protection fund expenditures for professional development in the context of “payment of firefighters' attendance at fire schools and conventions approved by the marshal.” In FY25, the New Mexico Fire Protection Grant Council allowed for grants of up to \$25 thousand from the fire protection grant fund for the purpose of “providing stipends, supplementing recruitment and retention programs or educational programs” to volunteer firefighters.

## SIGNIFICANT ISSUES

The Department of Homeland Security and Emergency Management states that insufficient funding to support and properly train or approve the training for peer support team members may place an undue burden on the program and jeopardize its effective implementation.

The Health Care Authority (HCA) notes the use of the language of peer support or peer support teams could create confusion with the role of a certified peer support worker, which is a Medicaid billable service. No other peer program can bill Medicaid at this time; HCA thus recommends the name in the act and the program change to avoid confusion.

According to Federal Emergency Management Agency, there are 248 registered fire departments in New Mexico. It is difficult to estimate how many departments may develop peer support programs funded by the fire protection grant fund or other sources.

## ADMINISTRATIVE IMPLICATIONS

Because HB74 includes broad definitions for “peer support program” and “peer support services,” the bill appears to leave the design of the course, and the methods used to examine the new program’s efficacy over time, to SFMO, which would impact staff time and resources. Alternatively, SFMO could issue a request-for-proposal to select an established, evidence-based program with a body of research behind it.