

FIFTY-THIRD LEGISLATURE
FIRST SESSION, 2017

HB 85/a

March 7, 2017

Mr. President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

HOUSE BILL 85, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike House Judiciary Committee Amendments 1, 2, 4 and 5.
2. On page 1, line 12, strike "LICENSE" and insert in lieu thereof "REGISTER".
3. On page 1, lines 24 and 25, and page 2, lines 1 through 10, strike Subsections A and B in their entirety.
4. Reletter the succeeding subsections accordingly.
5. On page 3, line 18, strike "board and care" and insert in lieu thereof "assisted living".
6. On page 4, strike lines 15 through 18 in their entirety and insert in lieu thereof:

"G. "personal care services" means prompting with personal hygiene and body care or assistance with self-administration of medication, travel to medical services, essential shopping, meal preparation, laundry or housework; and".
7. On page 5, line 6, strike "LICENSURE" and insert in lieu thereof "REGISTRATION".
8. On page 5, line 7, after the second dash, strike the remainder of the line, strike lines 8 through 25 in their entirety and on page 6, strike lines 1 through 21 in their entirety and insert in lieu thereof the following:

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"A. The department of health shall register any board and care facility that:

(1) provides the owner or operator's name, the number of residents, the address of the facility and an indication as to whether the facility provides assistance with self-administration of medication;

(2) provides proof that it holds a valid custodial drug permit from the board of pharmacy if the board and care facility provides assistance with self-administration of medication; and

(3) meets any other criterion for registration that the department of health establishes by rule.

B. A board and care facility shall not be operated unless it has registered with the department. If a board and care facility is found to be operating without having registered with the department, in order to protect human health or safety, the secretary may issue a cease-and-desist order and may impose an intermediate sanction and a civil monetary penalty as provided in Section 24-1-5.2 NMSA 1978. The board and care facility may request a hearing that shall be held in the same manner as provided in Section 24-1-5 NMSA 1978.

C. By July 1, 2018, the department of health shall adopt and promulgate rules establishing board and care facility standards that local governments that opt to regulate board and care facilities shall adopt."".

9. On page 7, strike lines 16 through 23 in their entirety.

10. Reletter the succeeding subsections accordingly.

11. On page 10, line 3, strike "self-medication" and insert in lieu thereof "self-administration of medication".

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12. On page 10, line 7, strike "self-medication" and insert in lieu thereof "self-administration of medication".

13. On page 10, line 15, strike "self-medication" and insert in lieu thereof "self-administration of medication".

14. On page 11, line 5, after "services", strike the remainder of the line, strike line 6 in its entirety and strike line 7 up to the period.

15. On page 12, line 15, strike "bureau of the public health".

16. On page 14, line 14, after "services", strike the remainder of the line and strike line 15 up to the semicolon.

17. On page 16, lines 18 through 21, strike Subsection M in its entirety and insert in lieu thereof the following new subsection:

"M. "personal care services" means prompting with personal hygiene and body care or assistance with self-administration of medication, travel to medical services, essential shopping, meal preparation, laundry or housework;".

18. On page 19, line 25, strike "self-medication" and insert in lieu thereof "self-administration of medication".

19. On page 22, lines 8 through 11, strike Subsection K in its entirety and insert in lieu thereof the following new subsection:

"K. "personal care services" means prompting with personal hygiene and body care or assistance with self-administration of medication, travel to medical services, essential shopping, meal preparation, laundry or housework;".

20. On page 25, line 3, strike "holds".

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21. On page 25, line 4, strike "a valid license from," and insert in lieu thereof "is registered".

22. On page 25, line 5, strike the comma.,

and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

Gerald Ortiz y Pino, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: None

Absent: None

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