

LFC Requestor: CHENIER, Eric

2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 103

Type: Introduced

Date (of THIS analysis): 1/27/25

Sponsor(s): Antoinette Sedillo Lopez and Pamela Herndon

Short Title: HEALTH CARE AUTHORITY TO DEVELOP REPORTS ON THE DIRECT CARE WORKFORCE.

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/a

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: None.

Conflicts with: None.

Companion to: None.

Relates to: HB0395 2023 Session – Signed by Gov. and implemented April 1, 2024 by Los Lunas Community Program.

Duplicates/Relates to an Appropriation in the General Appropriation Act: None.

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 103 (SB103) proposes requiring entities participating in Medicaid personal care services programs to report to the Health Care Authority on the status of the direct care workforce and requiring the Health Care Authority to develop reports on the direct care workforce.

SB103 proposes that by January 1, 2030, the Health Care Authority shall perform a study for the purpose of determining the costs of providing personal care services and recommending the reimbursement rates to be paid for personal care services.

The results of the study shall be provided to the interim legislative health and human services committee, the legislative finance committee, the governor and the interested parties advisory group established pursuant to this section.

The study shall consider federal requirements related to payment adequacy and the level of reimbursement required to: (1) stabilize the direct care workforce; (2) reduce direct care workforce vacancies; (3) allow direct care workers to receive an hourly wage of at least one hundred fifty percent of the state minimum wage; and (4) ensure adequate access to personal care services for eligible Medicaid recipients.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

- The NMDOH Los Lunas Community Program is located in Valencia County and provides supports and services to residents through the Developmental Disability Waiver.
- The Los Lunas Community Program implemented HB395(2023) in FY24 and provided its first report on April 1, 2024. SB103 adds to the requirements of HB395 by adding overtime

pay reporting and broadens the scope to include reporting on any provider participating in Medicaid personal care services programs. These changes will not have a significant impact on Los Lunas Community Program.

- DOH long-term care facilities that participate in Medicaid Personal Care Services Programs are currently required to report similar information to CMS on a quarterly basis as a requirement of Payroll Based Journal (PBJ) regulations. There may be minimal impact involving administrative adjustments to the current data being provided.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?

Yes No

If yes, describe how.

- Is this proposal related to the NMDOH Strategic Plan? Yes No

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?

Yes No N/A

- If there is an appropriation, is it included in the LFC Budget Request?

Yes No N/A

- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

Much of the required information / data is already being collected at the impacted facilities.

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

There is a relationship to HB395,during the which passed 2023 Session

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

None.

9. HEALTH IMPACT(S)

None.

10. ALTERNATIVES

None.

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If SB103 is not enacted DOH impacted facilities will continue to operate as they do today and the purpose of the study by Health Care Authority would not be implemented.

12. AMENDMENTS

None.