

DISABILITY ISSUES IN THE 2010 LEGISLATURE FINAL REPORT ON THE REGULAR SESSION

By Jim Jackson, Executive Director
DISABILITY RIGHTS NEW MEXICO
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Clean Sweep: All bills signed into law. Governor Richardson has completed action on bills passed during the regular 2010 legislative session, and he signed into law all of the disability-related bills that we have been following in these reports. These include creation of a standing legislative sub-committee on disability issues, improvements in state law related to accessible parking, a mandate to public schools to better identify and serve children with dyslexia, new protections for student athletes to reduce the incidence of brain injury, and more. Several important memorials also passed during the regular session, but these did not require approval by the governor. A complete list and description of these bills and memorials is included below.

Action still pending on HB 2 from special session. It took a special session to finally pass the state budget bill that establishes spending levels for all state programs in the coming fiscal year. That bill, along with a package of tax increases that support the level of spending in HB 2 and prevent much deeper cuts to state services, are still being reviewed by the governor and his staff. He has almost two weeks more to decide whether to sign or veto those bills.

Maybe next year. There were several bills introduced during the regular session that did not pass, because they were not considered appropriate (“germane”) to the short session. Those included proposals to strengthen requirements on state agencies to assure adequate communication with deaf individuals (SB 143, by Sen. Nancy Rodriguez), changes to the state Human Rights Act to conform to recent amendments to the Americans with Disabilities Act (SB 187, by Sen. David Ulibarri), and a proposal to eliminate the managed care approach to providing publicly funded behavioral health services (SB 219, by Sen. Jerry Ortiz y Pino). We’ll probably see those measures introduced in the 2011 session.

Looking ahead to a busy interim. Over the next 8 – 9 months, legislative and other committees will be looking at a number of issues of significant interest to the disability community, most of which will result in recommendations for action in the 2011 session of the legislature. Be on the lookout for information about efforts to address these issues:

- Seclusion/restraint in the public schools. The Public Education Department has formed a task force to review current practice and develop recommendations.
- Government re-organization. Potential mergers of certain state agencies serving persons with disabilities will be considered by a legislative task force.
- Educational services to children with autism. Ways to improve the delivery of services in the public schools will be examined by a PED task force.
- Medicaid and other state-supported health programs. There may be a task force including legislators that will look at ways to constrain spending increases in Medicaid and consider new options for health care coverage.
- State Use Act. The scope and implementation of this law, which directs state contracts for services to community rehabilitation agencies or to individuals with disabilities unless

the contracts are declined by the state clearinghouse, will be reviewed by the Legislative Health and Human Services Committee.

Bills That Passed and Have Been Signed into Law

HB 201 Expand newborn screening. Rep. Rhonda King. This bill expands the blood test screening for newborns in New Mexico to screen for five additional conditions, including Niemann-Pick disease and globoid cell leukodystrophy.

HB 216 Medical Insurance Pool programs. Rep. Nick Salazar. This bill authorizes the NM Medical Insurance Pool to offer new insurance products that might be authorized by federal health care reform for state high-risk pools. The MIP offers health insurance to persons who are unable to obtain insurance in the private market due to pre-existing medical conditions.

HB 217 Abuse or neglect in homes. Rep. Nick Salazar. This bill amends the Resident Abuse and Neglect Act to apply to abuse or neglect of a person in the person's own home or the home of a caregiver, making these acts a criminal offense. The current law applies only to facilities such as nursing homes and group homes.

HB 230 Services to students with dyslexia. Rep. Mimi Stewart and Sen. Mary Jane Garcia. This bill defines dyslexia and requires public schools to address the needs of students with dyslexia through the Student Assessment Team process with appropriate accommodations and services.

SB 1 Sports concussions – Sen. Michael Sanchez. This bill prohibits school athletic coaches from a) allowing students to play in athletic contests on a day when they have been diagnosed with a concussion or similar head injury or are displaying behavioral signs of such an injury, and b) using such a player until they have a medical release to do so. It also mandates training on concussions and similar injuries. This was the last bill passed by the House before adjournment.

SB 209 Accessible parking. Sen. Jerry Ortiz y Pino. This bill authorizes the Governor's Commission on Disability to provide training to law enforcement officers on accessible parking issues, requires renewal of parking placards every four years, and allows police officers to ticket or tow vehicles illegally parked in accessible parking spaces.

SB 216 Repeal GBMI verdict. Sen. Peter Wirth. This bill eliminates the verdict of "guilty but mentally ill" in criminal cases. This plea or verdict was intended to assure that individuals who were found guilty of a crime and were known to have a mental illness receive treatment while in jail or prison. However, the reality is that such persons are no more or less likely to receive treatment than any other prisoner or detainee with mental illness, so the verdict was misleading and confusing to juries.

SB 264 Disability Subcommittee of LHHS. Sen. Nancy Rodriguez. This bill establishes a Disabilities Subcommittee as a permanent part of the interim Legislative Health and Human Services Committee. The 6-member subcommittee will review legal and service issues affecting

persons with disabilities and make an annual report and recommendations to LHHS.

SJR 6 Amend constitutional language on voter disqualification. Sen. Howie Morales. This proposal would delete existing language in the state constitution that prohibits voting by “idiots and insane persons”. The language is offensive and not consistent with current legal requirements. The proposed new language would allow all qualified electors to vote unless a court had found that they were unable to cast a ballot and unable to communicate their choices on a ballot. The proposal will be on the general election ballot in November and must be approved by a majority of the voters.

Memorials that Passed

HM 28 Medicaid importance and task force. Rep. Mimi Stewart. This memorial recognizes the importance of Medicaid in New Mexico, calls on HSD not to make substantial changes to the program without review by the legislature, and calls for the creation of a task force with diverse representation to review the Medicaid program and make recommendations for improvement. Generally the same as SM 27.

HJM 34 Adult residential facility licensure. Rep. Gloria Vaughn. This memorial calls on the Department of Health to review licensure issues for residential care facilities serving adults with mental illness. The aim is to consider an alternative in between a fully licensed facility and an unlicensed facility.

HJM 43 Native American Medicaid. Rep. Ray Begaye. This memorial recognizes the importance of Medicaid and calls for full funding without benefit cuts. It originally called for creation of a separate eligibility category for Native Americans, but this provision was removed.

SJM 25 Study autism services in public schools. Sen. Clinton Harden. Calls on the PED to study methods of providing services to children with autism in the public schools and develop a plan to provide appropriate services through qualified personnel.

SM 27 Medicaid importance and task force. Sen. Mary Kay Papen. Generally the same as HM 28.