



DISABILITY RIGHTS NEW MEXICO

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Promoting and Protecting the Rights of Persons with Disabilities

DISABILITY ISSUES IN THE 2013 LEGISLATURE POST SESSION REPORT

By Jim Jackson, Executive Director
DISABILITY RIGHTS NEW MEXICO
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Session ends with flurry of activity. The 2013 regular legislative session came to an end this past Saturday at noon. Unlike recent years, there was no "melt-down" in either chamber, so a large number of bills were acted on in the last few days. Last minute passage of a package of tax measures appears to have eliminated the possibility of a veto of the entire state budget bill that passed early in the final week, though line item vetoes of some provisions of the bill are expected.

Crossing the finish line. Many of the disability-related bills and memorials DRNM has been following in the weekly reports passed the legislature during the final week of the session. Some of these bills that made it all the way through the process include:

HB 22 Autism insurance coverage for children of public employees

HB 155 Charging fees for accessible parking placards. **Vetoed by the governor.**

HB 227 Transfer Brain Injury Advisory Council to the Governor's Commission on Disability.

HB 588 Linkage to mental health services through Community Engagement Teams.

SB 65 Pre-release Medicaid assistance for people in jails or prisons.

SB 156 Continuity in access to prescription drugs by limiting co-pay or formulary changes.

SB 171 Establishing an interim Disabilities Concerns Committee of the legislature.

SB 172 Permanently authorizing the Sign Language Licensing Board.

SB 271 Expanding authority for police pick-ups for involuntary mental health evaluations.

SB 296 Prompt response to requests for prior authorization for prescriptions.

SB 320 Aligning New Mexico's Service Animal Act with federal provisions under the ADA.

SB 458 Directing the state to reverse changes being made in the DD waiver program.

SM 20 Requesting a plan to significantly reduce the time people spend on the DD waiver waiting list.

Coming up short. A few other disability-related bills were still "in play" in the last days of the session but didn't make it to final passage:

HB 249, requiring the Department of Health to develop a five-year plan to end the DD waiver waiting list, was on the Senate calendar but was not called up for a vote before adjournment.

SB 528, addressing school discipline policies affecting children with behavioral issues, passed the Senate on Friday but was not heard in the House committee.

HB 77, the firearm measure that included a requirement for reporting mental health adjudications to the FBI for purposes of firearm purchase background checks, was the last bill heard by the Senate on the last day of the session, and opponents of the measure debated it until time ran out.

A list of bills we have been following that did not pass begins on page 7.

State health insurance exchange approved. In search of a proposal that would be signed by the governor and would retain operational control by the state, the Legislature approved a health insurance exchange, through SB 221/589, that was widely viewed as a disappointment by health care consumer advocates. An exchange is required in each state pursuant to the Affordable Care Act to make coverage available to those who are uninsured and to administer subsidies. The federal government will operate the exchange in those states that choose not to operate their own program.

The health care advocacy community was sharply divided over this bill. Some organizations believed that despite the clear weaknesses in the bill, the benefit of having a state-based exchange with available start-up federal funding outweighed the risk of a stronger bill being vetoed and having the feds operate the exchange in New Mexico. Others saw the lack of consumer protections in the bill, such as a strong navigator program for those who might qualify for Medicaid as well as those needing help selecting a private insurance plan, as so problematic that having a federal exchange for a year or two, while the state worked on developing a better and more consumer-oriented exchange, would have been a preferable outcome. Even with passage of SB 221/589, it is not at all clear that New Mexico's exchange can be operational in time for the start of the open enrollment period on October 1; if not, the feds will end up running the program for a while anyway.

Confirmation sizzles and fizzles again. After at least 10 hours of often heated public comments and committee questions in hearings that stretched over three days in the Senate Rules Committee, there was still no final action taken by the committee on the nomination of Hanna Skandera as secretary of the Public Education Department, and thus no official confirmation vote by the Senate. Skandera has been serving as the secretary-designate since early 2011 and will continue to do so.

Retta Ward was confirmed by the Senate as the new secretary for the Department of Health, replacing Dr. Catherine Torres, who resigned last year.

State budget bill adopted. The House accepted the changes to HB 2 that were made in the Senate, so the state budget for FY 2014 remains the same as reported in last week's legislative report. The \$5.9 billion total budget reflects an increase in on-going appropriations of \$249 million, or 4.4% more than the current year. The budget includes \$4.6 million in additional funds for the DD waiver program, which is intended to move some people on the waiting list into the program. There is a small but important increase in funds for legal services for low-income residents. For more information on the state budget, see DRNM's earlier reports #6 and #8, available on our web site at drnm.org.

A separate bill, HB 628, makes an additional contingency appropriation, beyond the level provided in HB 2, of up to \$36 million in the event that the state has to come up with more funding to meet the "maintenance of effort" provision for special education funding. In return for receiving around \$100 million per year in federal funding under the Individuals with Disabilities Education Act (IDEA), the state must guarantee that it will not reduce the level of state support it provides for special education services, but the state did reduce this funding in FY 2010 and 2011. The state is seeking a waiver of the provision but may be faced with having to make up for the earlier reduction in state funding.

Capital outlay requests trimmed and approved. Several requests for construction or similar projects affecting persons with disabilities, to be financed by the sale of bonds against future severance tax receipts, were approved with the passage of SB 60, but generally at funding levels far below what was requested. The Commission for the Deaf and Hard of Hearing will get \$60,000 toward the purchase of land or other preparation for a Deaf Culture Center in Albuquerque; the request had been for \$1 million. The Governor's Commission on Disability can receive \$100,000 for accessibility modifications needed to allow low-income persons with disabilities to remain in or return to their homes; they had requested \$1 million. Financing in the amount of about \$183,000 will be available for a highly accessible, "all-inclusive" park in Rio Rancho; nearly \$952,000 had been requested. A \$1.9 million request to purchase assets and equipment at the former Dixon apple orchard, promoted by Adelante as a potential employment project for persons with disabilities, resulted in approved financing of just \$90,000.

The final word. Governor Susana Martinez has until April 5th (20 days from the end of the session) to sign or veto legislation from this year's session, although she has already taken action on a few bills that reached her before the session ended. Financial measures such as the state budget bill (HB 2), the tax package, and the capital outlay bill, are subject to "line-item vetoes", through which the governor can eliminate certain specific provisions while approving all other parts of a bill. Other bills must be signed into law or vetoed in their entirety. Memorials passed by the Legislature are not subject to approval or veto by the governor because they do not have the force of law.

You can contact the governor to provide input on what you think she should sign or veto, by phone (505-476-2200) or through the internet at: http://www.governor.state.nm.us/Contact_the_Governor.aspx.

Bills and Memorials That Passed the Legislature

HB 22 Autism Insurance Coverage. Rep. Jim Smith. This bill requires the health insurance plans for state and local government employees and public school employees to cover services for children with autism. This coverage is already required for most individual and group health plans regulated by the state, but the current requirement does not apply to these public employee plans. The bill was amended at the request of state officials to delay the effective date to January 1, 2015.

HB 130 Transfer Brain Injury Program to HSD. Rep. Larry Larrañaga. This bill moves the TBI Trust Fund and administration of the brain injury program from the Aging and Long Term Services Department to the Human Services Department.

HB 131 Silver Alert for Missing Persons. Rep. Paul Pacheco. This bill authorizes a "Silver Alert" for a missing person over 50 years of age who is known to have a deterioration of mental capacity, such as dementia or a brain injury.

HB 155 Fees for Accessible Parking Placards. Rep. Miguel Garcia. This bill would have imposed a \$5 fee on those applying for accessible ("handicapped") parking placards; most of the proceeds of the fees collected were to go into the disability services fund maintained by the Governor's Commission on Disability. **This bill passed the Legislature but has already been vetoed by the governor.**

HB 219 Adequate and accessible polling places. Rep. Nate Cote. This bill provides that when an election-day polling place is not part of a county-wide consolidated voting center, the polling place must have at least five voting booths, one of which must be accessible to voters with disabilities, it must have at least one voting machine that is accessible to voters with disabilities, and it must be in a

building that is ADA-compliant and accessible to voters with disabilities. The bill allows any of these provisions to be waived by the Secretary of State upon request of a county clerk. *DRNM notes that most of these accessibility provisions are required by federal law and can't be waived by the state.*

HB 227 Transfer BIAC to GCD. Rep. Gail Chasey. This bill transfers the Brain Injury Advisory Council (BIAC) from the DD Planning Council (DDPC) to the Governor's Commission on Disability (GCD). The BIAC provides advice to state agencies on issues affecting persons with brain injuries.

HB 588 Linkage to Mental Health Services Through Community Engagement Teams. Rep. Rick Miera. After extensive amendments, this bill directs the Department of Health to initiate and oversee pilot programs for "community engagement teams" (CETs) to work with persons with mental illness who are believed to be "unlikely to be able to live safely in the community" but are not presenting an immediate danger to themselves or others. The CET would encourage involvement in available mental health treatment services and other needed community resources. CET services would be voluntary and could not be forced on anyone. *DRNM supports such pilot projects but is concerned that the definition of the target group is vague, and responsibility for the projects is given to the Department of Health rather than HSD, where the Behavioral Health Division is housed and which has oversight of the Behavioral Health Collaborative and the mental health services to be provided through Centennial Care.*

HB 628 Special Education MOE Funding. Rep. Ken Martinez. In the event that the appropriations already included in the state budget bill are not enough to meet the state's federal "maintenance of effort" requirement for special education funding, this bill authorizes the expenditure of \$20 million more in FY 2013 and \$16 million more in FY 2014.

HM 75 Children's Mental Health Task Force. Rep. Gail Chasey. This memorial calls for a task force to improve and promote early childhood services, including development of an early childhood mental health plan.

SB 65 Pre-release Medicaid Assistance. Sen. Gerald Ortiz y Pino. As amended, this bill requires the Human Services Department to suspend, rather than terminate, Medicaid eligibility for those entering a correctional or detention facility for a period expected to be less than one year, and to facilitate reinstatement upon release from the facility. It would also require the state to assist individuals in such facilities to determine likely eligibility for Medicaid, and to apply for Medicaid as appropriate, in advance of their scheduled discharge from such facilities.

SB 152 Non-reversion of Funds for the Office of Guardianship. Sen. Michael Padilla. This bill as introduced would have allowed the Office of Guardianship at the DD Planning Council to carry over to the next year all funding that might be left over at the end of a state fiscal year, rather than have to return unspent funds to the state treasury. As amended, the Office can carry over any donations or gifts it might receive, and interest earned on such funds, but not state appropriations.

SB 156 Continuity in Access to Prescription Drugs. Sen. Jacob Candelaria. The original version of this bill would have prohibited health insurers from making changes to their prescription drug formulary during a plan year if the change would result in higher co-pays or deductibles for a drug, unless a generic version of the drug is available. As amended, the bill allows health insurers to make these changes to co-pays and tier levels up to three times per year. Sixty days advance notice of such changes must be provided to those affected by the changes.

SB 163 Extension of Certain Licensing Boards. Sen. Carlos Cisneros. This bill delays the sunset dates for several state licensing boards but makes the sign language interpreting board permanent by deleting any future "sunset" review.

SB 171 Disabilities Concerns Subcommittee. Sen. Nancy Rodriguez. This bill establishes a permanent interim committee of the Legislature to address issues of concern to people with disabilities. Interim committees meet on a regular basis in between the regular annual legislative sessions. In the past few years, the interim Health and Human Services Committee has had a Disability Subcommittee.

SB 172 Sign Language Licensing Board. Sen. Nancy Rodriguez. This bill makes this board "permanent" by deleting the requirement for a periodic "sunset" review.

SB 221/589 Health Insurance Exchange. Sens. Jerry Ortiz y Pino and Benny Shendo. These two bills were combined into a single bill, which is now listed in legislative records as SB 221 but shows Sen. Shendo as the sponsor since the final bill is more like earlier versions of his bill (SB 589) than Sen. Ortiz y Pino's (SB 221). The bill establishes a health insurance exchange in New Mexico to meet the requirements of the Affordable Care Act (ACA). The final version of the bill strips out many of the consumer protections contained in earlier versions.

The bill calls for a 13-member board of directors, with the insurance superintendent as chair and the remaining appointments split evenly between the governor and the legislature. Two of the members will represent insurance companies. Overall board composition must represent New Mexico's Native American population and its ethnic, cultural and geographic diversity. Although the bill requires that board members have relevant expertise, it gives the board virtually no authority over exchange operations, as rules governing those operations will be promulgated by the superintendent, who is not even required to consult with the board on the content of those rules. The board will have no power to set standards for health plans, to negotiate with insurance companies to procure high-quality and affordable health plans to be offered on the exchange, or to take steps to ensure a healthy market that best serves the individuals and small businesses buying insurance on the exchange.

The board must create at least one advisory committee representing a range of stakeholders, as well as a separate Native American advisory committee. It may also establish a Native American service center.

The bill provides for navigator services to help people enroll in coverage but pointedly omits including assistance with Medicaid enrollment among the navigators' duties, and allows creation of the navigator program to be delayed for several months.

The bill calls for the Human Services Department to cooperate with the exchange to address issues of "churn" for people who move between Medicaid and exchange coverage as their circumstances change, but provides no detail on this issue. It includes no provision calling for the exchange to take steps to address the needs of individuals whose income is a little too high to qualify for Medicaid but for whom exchange coverage may be unaffordable.

SB 271 Authority for Police Pick-up for Involuntary Mental Health Evaluations. Sen. Mary Kay Papan. This bill expands the types of professionals who can certify that a person presents a likelihood of harm to himself or others and that immediate detention is needed to prevent such harm, thereby authorizing an involuntary pick-up by a police officer for a mental health evaluation. It allows social workers, advance practice nurses, mental health counselors, and marriage and family therapists to make this certification if they are licensed for independent practice and if they are affiliated with a community mental health program. The bill does not change the provision of current law that only a physician or psychologist can authorize admission to a mental health evaluation facility.

SB 296 Prompt Prior Authorization for Prescriptions. Sen. Mary Kay Papen. As amended, this bill calls for development of one common form to be used by all health insurance companies for the purpose of requesting prior authorization if needed for prescription drugs, and requires the companies to respond to a request for prior authorization within three business days.

SB 320 Service Animals. Senator Nancy Rodriguez. This bill renames New Mexico's Assistance Animal Act to be the Service Animal Act and aligns its provisions with federal regulations under the Americans with Disabilities Act. The major changes would be to limit state law coverage to service dogs and miniature horses, and to prohibit a person from claiming to have a service dog if the animal is not a trained, legitimate service animal.

SB 447 Native American Suicide Prevention Council. Sen. Benny Shendo and Rep. Sandra Jeff. This bill establishes an advisory council to the state behavioral health purchasing collaborative to provide advice to the state clearinghouse for Native American suicide prevention. The council will be made up of representatives from the various Native American communities in New Mexico. **This bill has already been signed into law by the governor.**

SB 458 DD Waiver Changes. Sen. Nancy Rodriguez. This bill requires the Department of Health and the Human Services Department to seek federal approval to return to the previous version of the developmental disabilities waiver program, and thus abandon the new version that uses the results of the Supports Intensity Scale (SIS) to place participants into categories with defined levels of services and budgets. The bill also requires the departments to obtain legislative approval before making future changes to the waiver program that would change eligibility or level of service determinations.

SJM 17 Disability Awareness. Sen. Jerry Ortiz y Pino. This memorial, which was developed and promoted by the Youth Leadership group, designates October as Disability History and Awareness Month and requests that all public schools provide instruction in that month for their students, to promote greater understanding and awareness of people with disabilities.

SJM 44 Over-Medication of Children. Sen. Sue Wilson Beffort. This memorial warns of the significant increase in the use of prescription medication to deal with children's behavioral issues and calls on an interim committee of the Legislature to hold a hearing on this issue and consider changes to state law that would promote healthier outcomes for children.

SM 20 DD Waiting List Plan. Sen. Bill Soules. This memorial calls on the Department of Health to create a subcommittee of the Advisory Council on Quality (the department's advisory committee on developmental disabilities issues) to develop strategies for reducing the length of time people spend on the waiting list for DD waiver services. It further asks the department to develop a report by October 1, 2013, detailing what would need to be done so that, by 2018, no one would have to wait more than three years before getting waiver services.

SM 33 Taking Advantage of Federal Mental Health Funds. Sen. Jacob Candelaria. This memorial points out that under the Affordable Care Act, hundreds of millions of dollars have been made available for behavioral health and substance abuse prevention and treatment, but New Mexico has received very little of this funding. The memorial calls upon the state to become more proactive in seeking such funds to improve and expand these services.

SM 72 Preventing Truancy and Drop-Out. Sen. Gay Kernan. This memorial notes the correlation of school truancy and dropping out with the "school to jail pipeline", and calls for a task force to

recommend steps to reduce truancy and dropping out that do not involve arrest or incarceration of students.

SM 94 Guardianship/Conservatorship Task Force. Sen. Jerry Ortiz y Pino. This memorial calls for the DD Planning council to convene a task force to recommend changes to the Probate Code that would increase family member access to information regarding decisions by guardians and conservators, and to address the powers that might be needed by a guardian or conservator after the death of a protected person.

SM 102 Treatment Guardian Task Force. Sen. Mary Kay Papen. This memorial calls on the Office of Guardianship in the DD Planning Council to convene a group to consider potential changes to the treatment guardianship provisions of the MH/DD Code, and to plan for the transfer of state responsibility for filing treatment guardianship petitions from the district attorneys to the Office of Guardianship, based on special commissions from the Attorney General.

Appropriations Bills That Failed to Pass the Legislature

Autism

HB 209 Autism Services. Rep. Elizabeth Thomson. Appropriated \$2 million to the Department of Health to support diagnostic evaluations and services to children and adults with autism and for the families of children with autism, and for training for professional staff who work with adults with autism. Identical to SB 213, below. *HB 2 contains \$230,000 for this purpose.*

HB 552 Therapeutic Horseback Riding. Rep. Candy Spence Ezell. Appropriated \$80,000 to the Department of Finance and Administration to support a therapeutic horseback riding program in Dexter (near Roswell).

SB 213 Autism Services. Sen. Mary Kay Papen. This bill is identical to HB 209, above.

Behavioral Health/Mental Health

HB 174 Native American Suicide Prevention. Rep. Sharon Clahchischilliage. Appropriated \$155,000 to the Veterans Services Department for a youth suicide prevention program in northwestern New Mexico, using Native American veterans as counselors. Identical to SB 162, below.

HB 217 Native American Youth Suicide Prevention. Rep. James Roger Madalena. Appropriated \$300,000 to the Human Services Department to support three Native American youth suicide prevention programs at \$100,000 each, in rural, frontier and urban communities.

HB 287 McKinley County Behavioral Health Services. Rep. Ken Martinez. Appropriated \$500,000 to provide behavioral health services to Native Americans in McKinley County.

SB 19 School-based Behavioral Health. Sen. Mary Kay Papen. This bill appropriated \$2.5 million to support behavioral health services to students from pre-kindergarten through 12th grade.

SB 162 Native American Suicide Prevention. Sen. John Pinto. Identical to HB 174, above.

Deaf/Hard of Hearing

HB 332 Early Childhood Deaf-Oral Education. Rep. Jimmie Hall. Appropriated \$503,000 to provide oral language services to deaf and hard of hearing children with cochlear implants. *HB 2 includes \$125,000 for this purpose.*

Developmental Disabilities

HB 230 COLA for State-funded Provider Agencies. Rep. Jimmie Hall. Appropriated \$2.65 million for cost of living increases to DD provider agencies for state-funded services.

HB 322 Restore DD Provider Rates. Rep. Ed Sandoval. Appropriated \$4.8 million to restore the rates paid to DD provider agencies to the level that they were at before the 5% cut made in 2011.

HB 323 Increase DD Provider Rates. Rep. Ed Sandoval. Appropriated \$5.7 million to increase reimbursements to provider agencies in the DD waiver program. Identical to SB 324, below.

HB 469 FIT Provider Rate Increases. Rep. Liz Thomson. Same as SB 281, below.

SB 281 FIT Provider Rate Increases. Sen. Howie Morales. Appropriated \$6.9 million to increase the rates paid to provider agencies in the Family Infant Toddler program, pursuant to a 2003 rate study.

SB 323 Restore DD Provider Rates. Sen. Carlos Cisneros. Identical to HB 322, above.

SB 324 Increase DD Provider Rates. Sen. Carlos Cisneros. Identical to HB 323, above.

SB 364 Restore DD Provider Rates. Sen. John Sapien. Identical to HB 322 and SB 323, above.

SB 564 COLA for State-funded Providers. Sen. Nancy Rodriguez. Identical to HB 230, above.

Housing

SB 32 Support Services for Long-term Housing. Sen. Richard Martinez. Appropriated \$500,000 to the Mortgage Finance Authority for support services such as case management for homeless persons with disabilities, mental illness or substance abuse to assist them in obtaining and maintaining housing.

Substantive Bills that Failed to Pass the Legislature

Behavioral Health/Mental Health

HB 77 Regulation of Certain Firearm Sales. Rep. Miguel Garcia. This bill would have regulated the purchase of firearms at gun shows. As amended, it also required the state Administrative Office of the Courts to report to the FBI information about persons involuntarily committed to a mental health facility by court order, as required by federal law, in conjunction with the national database used for background checks of persons seeking to purchase firearms.

HB 208 Choice of Mental Health Counselors. Rep. Miguel Garcia. This bill would have put into law the right of insured persons to choose their own mental health therapist from among those therapists who are part of their insurance company's provider network.

HB 220 Involuntary Mental Health Evaluations. Rep. Jane Powdrell-Culbert. This bill would have allowed certain additional licensed mental health practitioners to provide the certification that would authorize police pick-ups for involuntary evaluation, and allowed them to admit individuals into evaluation facilities. SB 271, which addressed the same issue, was passed by the legislature.

HB 442 Reporting Persons Ineligible to Purchase Firearms. Rep. Paul Pacheco. This bill required the state Administrative Office of the Courts to report to the FBI the identity of persons involuntarily committed to a mental health facility by court order or found by a court to be incapacitated due to mental illness, in conjunction with the national database used for background checks of persons seeking to purchase firearms. Reporting of such information is required by federal law and the information is confidential. HB 77 (above) contained a similar provision.

HB 511 Mental Health Training Requirements. Rep. Ed Sandoval. This bill required correctional officers, jailers and firefighters to complete courses on crisis management and interactions with persons with mental impairments (such as mental illness, brain injury, autism or developmental disability).

HJM 19 Children's Mental Health Task Force. Rep. Gail Chasey. Called for a task force to improve and promote early childhood services and to develop an early childhood mental health plan.

HM 51 Bilingual Behavioral Health Professionals. Rep. Rick Miera. Requested the Health Policy Commission to study the causes of the shortage of bilingual behavioral health professionals and make recommendations to overcome these barriers.

SB 558 Peer Support Workers. Sen. Jerry Ortiz y Pino. This bill set up a board that would adopt rules and requirements for behavioral health peer support workers in mental health and substance abuse.

Developmental Disabilities

HB 249 DD Wait List Plan. Rep. Elizabeth Thomson. This bill required the Department of Health to develop a five-year plan to serve everyone on the waiting list, and to update the plan on an annual basis. Implementation of the plan would have depended on annual appropriations being made for that purpose. The plan also would have included information about the number of people on the waiting list and the number moved off of the waiting list due to previous funding provided for this purpose by the Legislature.

SJM 35 Training for Health Care Providers and First Responders. Sen. Linda Lopez. This memorial recited a wide range of problems that persons with developmental disabilities have experienced in interacting with first responders and health care providers. It asked the Department of Health to develop a comprehensive training curriculum for such providers, and urged all agencies that employ or oversee the licensing of such persons to require them to receive such training.

SJM 46 ACA Impact on DD Provider Agencies. Sen. Sue Wilson Beffort. Called on the Legislative Finance Committee to study the impact on DD provider agencies of the mandate under the Affordable Care Act for large employers to offer health insurance and to cover a portion of its cost.

Education

HB 459 Separate Special Education Equalization Fund. Rep. Mimi Stewart. This bill separated special education funding from all other components of the current basic school funding system, to allow the state to clearly identify (and adjust) the total amount of state funding made available to the districts for special education services. This was in response to a federal ruling that the state has not met its "maintenance of effort" requirement because it reduced state spending for special education (and all other education) in 2010 and 2011.

HJM 49 Special Education Funding Task Force. Rep. Rick Miera. Called for PED to convene a group to study the special education "maintenance of effort" requirement under the IDEA and to recommend ways to assure that sufficient funding is provided to meet the requirement.

SB 256 Special Education Coordinators. Sen. Michael Padilla. This bill required all public school districts, within three years, to employ one "special education coordinator" for every 250 students enrolled in the district, to oversee the day to day operations of special education programs.

SB 528 School Discipline Policies. Sen. Jerry Ortiz y Pino. This bill required all public schools, including charter schools, to adopt disciplinary policies that emphasize positive behavioral supports, provide alternatives to suspension, expulsion, or referrals to law enforcement, do not require reports to police for petty misconduct, and base disciplinary action on individual circumstances rather than blanket "zero tolerance" approaches.

SM 86 Positive Behavioral Supports. Sen. Michael Sanchez. This memorial called on the Public Education Department to encourage positive behavior intervention support systems in public schools, and to encourage training for teachers and principals to implement such systems.

Health Care

HB 480 Insurance coverage for inborn errors of metabolism. Rep. Stephanie Garcia Richard. This bill would have made some technical changes to existing law that requires insurance companies to cover special diets needed to prevent disabilities that would otherwise occur due to metabolic disorders, such as PKU. The bill would have ensured that co-pays for the special foods are based on a one-month supply rather than per meal or per day.

Health Care Reform to Implement the ACA

HM 168 Health Insurance Exchange. Rep. Mimi Stewart. As amended, HB 168 would have set up a non-profit board to operate the exchange, with appointments to the board split between the governor and the legislature. Nine of the 13 board members would have been employers or employees of small businesses; the other members were to be an insurance company representative, a consumer advocate, the HSD secretary and the state Insurance Superintendent (who would vote only when needed to break a tie). The bill allowed, but did not require, the exchange to set standards and determine which insurance plans would be offered, as contemplated by the ACA. This approach would encourage insurers to improve their plans and reduce prices in order to be selected by the exchange. Failed to pass the House on a 30 - 39 vote; that vote was "reconsidered" so the bill could have been brought up again for a vote by the full House, but this never occurred.

HB 366 Conform Insurance Code to ACA. Rep. Jeff Steinborn. This massive (266 pages) bill would have amended the state insurance code to comply with the provisions of the ACA. Some of these provisions are of particular importance to persons with disabilities, such as the prohibition of denial of coverage due to pre-existing conditions and disallowing higher premiums based on disability. Including these provisions in state law would have ensured the state insurance superintendent's power to enforce the provisions.

HB 563 Health Insurance Exchange. Rep. Tom Taylor. This bill also called for appointments to an exchange board to be split between the governor and the Legislature. It would have included the Economic Development Secretary as a board member but was less specific than HB 168 as to who would be appointed to most board slots and did not require that most members be employers or small business employees as in HB 168. HB 563 made no mention of navigators/assisters to help guide people through the system of enrolling in appropriate coverage, and made no reference to Medicaid even though the exchange is required by federal law to provide access to Medicaid enrollment as well as private insurance coverage. This bill specifically barred the exchange from setting standards for health insurance plans or pursuing an “active purchaser” approach that would allow the exchange to get the best deals for buyers; instead, it directed that any health insurance plan that meets minimum federal requirements must be offered for sale on the exchange.

HB 564 Licensure of Health Insurance Exchange Navigators. Rep. Tom Taylor. This bill required a formal licensure process for any individual or organization offering “navigator” or “assister” services in conjunction with the health insurance exchange, and would have subjected them to training requirements and regulatory oversight by the Superintendent of Insurance.

Self-Determination and Community Integration

HB 103 Voter ID Requirements. Rep. Cathrynn Brown. This bill required all voters, including absentee voters, to provide a picture ID or tribal enrollment document in order to vote. The bill provided for issuing ID cards for those who do not have them.

HB 231 Exemption from MVD Fee. Rep. Miguel Garcia and Sen. Linda Lopez. Under this bill, a low-income person with certain physical disabilities or a brain injury was exempted from the motor vehicle registration fee for one vehicle.

HB 414 Alternative Medical Certifications. Rep. Nate Cote. This bill authorized advance practice nurses, certified nurse mid-wives and physician assistants to certify or attest to certain things that now must be certified by a physician. For example, they could have certified the existence of a mobility impairment for people seeking an accessible parking placard due to their disability.

HB 557 Family Access to Health Research Records. Rep. Liz Thomson. This bill allowed family members of a deceased person to have access to records related to the deceased which are part of any medical research approved by the secretary of the Department of Health that is designed to reduce the morbidity or mortality from any cause or condition of health.

HB 621 Reporting Impairments That Affect Driving. Rep. Tom Anderson. This bill required certain health care professionals to report to the Motor Vehicle Division information about individuals with a cognitive or functional impairment that affects the person’s ability to safely operate a motor vehicle.

HJM 36 Expand Ombudsman to Community Settings. Rep. Rick Miera. Called on the Long Term Care Ombudsman to convene a task force to make recommendations regarding the potential expansion of the Ombudsman program to cover seniors and persons with disabilities living in the community.

SB 112 Extending Certain Guardianship Powers. Sen. Gerald Ortiz y Pino. This bill would have extended certain limited powers of a guardian for up to six months after the death of a protected person for the purpose of making funeral arrangements, closing out accounts, and otherwise wrapping up the affairs of the protected person.

SB 291 Parental Notification. Sen. John Ryan. This bill required notice to the parents of a minor child, or to the guardian of an adult woman found to be “incompetent”, prior to the performance of an abortion, unless a court exempted the woman from the notification requirement.

HB 272 Free Elk Hunting Licenses for Veterans with Disabilities. Rep. Phillip Archuleta. This bill directed the state Game and Fish Department to set aside at least five elk-hunting licenses each year for veterans with a service-related disability of at least 50%.

HB 396 College Logo for License Plates. Rep. Emily Kane. Under this bill, those who qualify for special license plates due to a mobility impairment could have requested plates that contain the logo of a public New Mexico university, provided that they pay a fee for such a plate.