



DISABILITY RIGHTS NEW MEXICO

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Promoting and Protecting the Rights of Persons with Disabilities

DISABILITY ISSUES IN THE 2013 LEGISLATURE STATUS REPORT #6

By Jim Jackson, Executive Director
DISABILITY RIGHTS NEW MEXICO
February 25, 2013

State budget bill passes House over dissent. After lengthy and tense debate, the House on Thursday passed its version of the state budget bill, HB 2, and moved it on to the Senate. The bill calls for spending \$5.9 billion in FY 2014, an increase of about \$239 million (4.2%) over the current year. Nearly half of the new spending (\$112 million) is allocated for public schools. Only \$27 million in new spending is needed for the Medicaid program; implementing the Medicaid eligibility expansion pursuant to the Affordable Care Act actually saves the state money. The total spending level in HB 2 leaves only about \$19 million available for other uses, such as tax cuts or additional spending to be added by the Senate.

In an unusual display of dissent, sixteen house Democrats, including six committee chairs, voted against the bill on the floor. They wanted to see more funding directed to public schools, and were concerned that some of the public school funding in the budget was earmarked for certain specific programs and initiatives from the governor in a way that reduces the amount available for general school support.

The House budget bill includes an increase of \$4.6 million for the DD waiver program, which is intended to serve some of those who are on the very long waiting list for this program, although there is no language in the bill earmarking the new funds for this purpose. It also includes \$230,000 for additional autism services for children and adults, an increase of \$400,000 in the base budget for the Office of Guardianship, an increase of \$180,000 for civil legal services for low-income persons, and an earmark of \$125,000 for oral education services for hearing-impaired children with cochlear implants.

HB2 also authorizes funding if needed in the event that the federal government makes a final determination that the state has not been meeting its “maintenance of effort” (MOE) requirement for special education financial support and denies the state's request for a waiver. The budget provides contingent appropriations of \$15 million for the current year (FY2013) and \$12 million for next year (FY2014) if repayment is required, along with authorization to move monies (\$20 million in FY13 and \$16 million in FY14) from general public school funds and earmark those funds for special education if needed.

Bills on the move. After a typically slow start, some bills have worked their way through the committee process and have been passed in their original chamber and sent to the other. Some of the bills advancing include:

HB 130, transferring the brain injury program from ALTSD to HSD, passed the House,
HB 249, calling for a plan to address the DD waiver wait list, passed the House,
HJM 36, to study expansion of the Ombudsman program to community settings, passed the House,
SB 296, to require prompt authorization for prescription drugs, passed the Senate, and
SB 65, addressing Medicaid eligibility for those in jail, passed the Senate.

Summary and Status of Bills and Memorials

Autism

HB 22 Autism Insurance Coverage. Rep. Jim Smith. This bill would require the health insurance plans for state employees and public school employees to cover services for children with autism, without an annual dollar limit. This coverage is already required for most individual and group health plans regulated by the state, thanks to a law passed a few years ago that was sponsored by then-Senator Clint Harden, but that law does not apply to these public employee plans. The current state-mandated coverage is limited to a maximum of \$36,000 per year, but the federal Affordable Care Act will eliminate those annual dollar limits for most insurance plans in 2014. Senator Bill O'Neill has co-sponsored this bill. Passed the House 62-0; SPAC/SCORC.

HB 209 Autism Services. Rep. Elizabeth Thomson. Appropriates \$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. Passed HHGIC; pending in HAFC. *The House version of HB 2 contains \$230,000 for this purpose.*

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

SB 213 Autism Services. Sen. Mary Kay Papen. This bill is identical to HB 209, above. Passed SPAC, pending in SFC. *The House version of HB 2 contains \$230,000 for this purpose.*

Behavioral Health/Mental Health

HB 77 Regulation of Certain Firearm Sales. Rep. Miguel Garcia. This bill would regulate the purchase of firearms at gun shows. As amended, it would also require 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. The bill makes the information transmitted confidential. Passed the House 43 - 26; SPAC/SJC.

HB 174 Native American Suicide Prevention. Rep. Sharon Clahchischilliage. Appropriates \$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. Passed HHGIC, pending in HAFC.

HB 208 Choice of Mental Health Counselors. Rep. Miguel Garcia. This bill would 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. Passed HHGIC, pending in HJC.

HB 217 Native American Youth Suicide Prevention. Rep. James Roger Madalena. Appropriates \$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. Passed HHGIC, pending in HAFc.

HB 220 Involuntary Mental Health Evaluations. Rep. Jane Powdrell-Culbert. Under current state law, a peace officer may detain and transport an individual involuntarily to a mental health facility for evaluation if a physician or psychologist certifies that the individual, as a result of mental disorder, presents a likelihood of serious harm to self or others and that immediate detention is necessary to prevent such harm. This bill would allow certain additional licensed mental health practitioners to provide the certification that would authorize involuntary evaluation, and allow them to admit individuals into evaluation facilities. Passed HHGIC; pending in HJC.

HB 287 McKinley County Behavioral Health Services. Rep. Ken Martinez. Appropriates \$500,000 to the Department of Health to provide behavioral health services to Native Americans in McKinley County. Passed HHGIC; pending in HAFc.

HB 442 Reporting Persons Ineligible to Purchase Firearms. Rep. Paul Pacheco. This bill would require the state Administrative Office of the Courts to obtain and report to the FBI information about persons involuntarily committed to a mental health facility by court order or found by a court to be incapacitated and dangerous to themselves or others, in conjunction with the national database used for background checks of persons seeking to purchase firearms. *Further action on this bill may be deferred in favor of HB 77 (above) which now contains a similar provision.* HHGIC/HJC.

HB 511 Mental Health Training Requirements. Rep. Ed Sandoval. This bill would require 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). HHGIC/HJC.

HB 588 Involuntary Mental Health Treatment Through "Community Engagement". Rep. Rick Miera. This bill allows any interested person to seek a court order to allow a "community engagement team" to work with certain persons with mental illness to access needed services and to assess the individual's capacity to make their own decisions. The CET would focus on persons with a mental illness who are believed to lack such capacity and who are "unlikely to be able to live safely in the community" but are not presenting an immediate danger to themselves or others. The CET would be able to petition for a court-ordered evaluation and for the appointment of a treatment guardian. Members of the CET would be immune from civil or criminal liability if acting in good faith and without malicious intent. *DRNM has a number of concerns about this bill.* HHGIC/HJC.

HJM 19 Children's Mental Health Task Force. Rep. Gail Chasey. Calls for a task force to improve and promote early childhood services and specifically to develop an early childhood mental health plan. Passed the House 37 - 23; SRC/SPAC.

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

SB 19 School-based Behavioral Health. Sen. Mary Kay Papen. As amended, this bill appropriates \$2.5 million to the Department of Health to support behavioral health services to students from pre-kindergarten through 12th grade. Passed SEC, pending in SFC.

SB 162 Native American Suicide Prevention. Sen. John Pinto. This bill is identical to HB 174, above. Passed SIAC, pending in SFC .

SB 271 Involuntary Mental Health Evaluations. Sen. Mary Kay Papen. This bill is similar to HB 220, above, dealing with the question of which professionals can authorize an involuntary pick-up by a police officer for a mental health evaluation. As amended, this bill allows certain mental health professionals licensed for independent practice, such as social workers, advance practice nurses, and mental health counselors, to provide the certification that would authorize the police to pick up people for an involuntary evaluation at a mental health facility. The new version of the bill does not include marriage and family therapists, and maintains the requirement that only a physician or psychologist can authorize admission to a mental health evaluation facility. Passed SPAC; pending in SJC.

SB 447 Native American Suicide Prevention Council. Sen. Benny Shendo and Rep. Sandra Jeff. This bill would establish an advisory council to the state behavioral health purchasing collaborative to provide advice to the state clearinghouse for Native American suicide prevention. The council would be made up of representatives from the various Native American communities in New Mexico. Passed SIAC; pending in SPAC.

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

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. SRC/SPAC.

Brain Injury

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. Passed the House 62 - 0; awaiting Senate committee assignments.

HB 227 Transfer BIAC to GCD. Rep. Gail Chasey. This bill would transfer 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. The primary rationale for the move is that, as a cross-disability agency, the GCD's mission is more compatible with the BIAC, as the DDPC focuses on issues related to developmental disabilities. Passed HHGIC; pending in HJC.

Deaf/Hard of Hearing

HB 332 Early Childhood Deaf-Oral Education. Rep. Jimmie Hall. Appropriates \$503,000 to the Children, Youth and Families Department to provide oral language services to deaf and hard of hearing children with cochlear implants. Passed HEC, pending in HAFC. *The House version of HB 2 includes \$125,000 for this purpose.*

SB 163 Extension of Certain Licensing Boards. Sen. Carlos Cisneros. This bill “extends the life” of several state licensing boards, including the state board that licenses sign language interpreters. Without the extension, this board would “sunset” (i.e. be eliminated) no later than July 1, 2014. SB 163 would extend the authority of this board to operate until 2020, and set up another “sunset” review in 2019 to determine whether the board should be continued. Pending final Senate vote.

SB 172 Sign Language Licensing Board. Sen. Nancy Rodriguez. This bill would also extend the life of this state licensing board, but it would do so by simply deleting the requirement for this board to go through a periodic “sunset” review. Passed the Senate 33 - 0; HHGIC/HCPAC.

Deaf Culture Center. Sen. Nancy Rodriguez has requested \$1 million in capital outlay funding for the purchase of land upon which a Deaf Culture Center and apartment complex could eventually be constructed in the Albuquerque area. The center would offer a wide variety of services to the deaf community.

Developmental Disabilities

HB 230 COLA for State-funded Provider Agencies. Rep. Jimmie Hall. Appropriates \$2.65 million to the Department of Health for cost of living increases to DD provider agencies for state-funded services (not Medicaid waiver services). Passed HHGIC; pending in HAFC.

HB 249 DD Wait List Plan. Rep. Elizabeth Thomson. This bill would require 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 depend on annual appropriations being made for that purpose. The plan would also include 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. Passed the House 66 – 0; SPAC/SFC.

HB 322 Restore DD Provider Rates. Rep. Ed Sandoval. Appropriates \$4.8 million to the Department of Health to restore the rates paid to DD provider agencies to the level that they were at before the 5% cut made in 2011. Identical to SB 323, below. Passed HHGIC; pending in HAFC.

HB 323 Increase DD Provider Rates. Rep. Ed Sandoval. Appropriates \$5.7 million to the Department of Health to increase reimbursements to provider agencies in the DD waiver program. Identical to SB 324, below. Passed HHGIC; pending in HAFC.

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

SB 281 FIT Provider Rate Increases. Sen. Howie Morales. Appropriates \$6.9 million to the Department of Health to increase the rates paid to provider agencies in the Family Infant Toddler (FIT) program, pursuant to a 2003 rate study. Identical to HB 469, above. Passed SPAC; pending in SFC.

SB 323 Restore DD Provider Rates. Sen. Carlos Cisneros. Identical to HB 322, above. Passed SPAC; pending in SFC.

SB 324 Increase DD Provider Rates. Sen. Carlos Cisneros. Identical to HB 323, above. Passed SPAC; pending in SFC.

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

SB 458 DD Waiver Changes. Sen. Nancy Rodriguez. This bill would require 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 would also require the departments to obtain legislative approval before making future changes to the waiver program that would change eligibility or level of service determinations. Passed SPAC; pending in SJC.

SB 564 COLA for State-funded Provider Agencies. Sen. Nancy Rodriguez. Identical to HB 230, above. SPAC/SFC.

SM 20 DD Waiting List Plan. Sen. William 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. SRC/SPAC.

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

SJM 46 ACA Impact on DD Provider Agencies. Sen. Sue Wilson Beffort. This memorial calls on the Legislative Finance Committee to study the impact on DD provider agencies of the mandate under the Affordable Care Act for employers with more than 50 employees to offer health insurance and to cover a portion of the cost of such coverage. SRC/SFC.

Education

HB 158 Educational Funding Formula Changes. Rep. Patricia Lundstrom. The original version of this bill included some provisions that affected special education, such as explicit authorization for serving children age 3 - 4 who are "developmentally delayed", which is in regulation but not in law. However, the amended version of this bill no longer contains any provisions related to special education.

HB 459 Separate Special Education Equalization Fund. Rep. Mimi Stewart. This bill separates special education funding from all other components of the current basic school funding system. It does not change the process for calculating the funding that each public school district receives based on the number of its special education students or their level of need, but it does allow the state to clearly identify (and adjust) the total amount of state funding made available to the districts for special education services. The bill comes 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, and a related dispute about how much money the state provides for special education. Passed HEC; pending in HAFC

SB 256 Special Education Coordinators. Sen. Michael Padilla. This bill would require all public school districts, within three years, to employ one “special education coordinator” for every 250 students enrolled in the district. The coordinator would have to be a level 3 licensed special education teacher with at least 6 years teaching experience, and would oversee the day to day operations of special education programs in the schools and oversee and arrange IEP meetings. The requirement is to be phased in over 3 years, and the bill includes an appropriation of \$3 million for the first year. Tabled in SEC.

SB 528 School Discipline Policies. Sen. Jerry Ortiz y Pino. This bill would require all public schools, including charter schools, to adopt school 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. The bill would also impose training requirements for school resource officers, and require school districts to report annually on various disciplinary actions taken. A similar bill was passed in 2011 but was vetoed by the governor. SEC/SJC.

Health Care (measures relating to health care reform under the ACA are in a separate section below)

HB 480 Clarifying scope of insurance coverage for inborn errors of metabolism. Rep. Stephanie Garcia Richard. This bill makes 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 make sure that co-pays for the special foods are based on a one-month supply of food rather than per meal or per day. HHGIC/HBIC.

SB 65 Pre-release Medicaid Assistance. Sen. Gerald Ortiz y Pino. As amended, this bill would require 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 re-instatement 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. The substitute version passed the Senate 36 - 0; HHGIC/HJC.

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. It would also require 60 days notice to enrollees before changing the tier level or co-pays for a drug. Many people with chronic health care conditions choose an insurance plan based on its drug formulary and co-pay costs, and this bill is intended to protect them from sudden and unforeseen price increases. As amended, the bill now allows health insurers to make these changes to co-pays and tier levels no more than three times per year. Passed SPAC and SCORC; awaiting final Senate vote.

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 would require the companies to

respond within three business days of a request for prior authorization. Passed the Senate 38 – 0; HHGIC/HBIC.

Health Care Reform to Implement the ACA

HM 168 Health Insurance Exchange. Rep. Mimi Stewart. This bill would establish a health insurance exchange in New Mexico that meets the requirements of the Affordable Care Act (ACA). Legislation on this topic was passed in 2011 but vetoed by the governor, who has now designated the Health Insurance Alliance (HIA) to run the exchange. The New Mexico Attorney General has issued a formal opinion that the existing law authorizing the Alliance does not comply with the requirements of the ACA. As amended, HB 168 sets up a non-profit board to operate the exchange, and the new entity would replace the HIA board. Appointments to the board would be split between the governor and the Legislature. Nine of the 13 board members would be employers or employees of small businesses; the other members would 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 would allow, but not require, an “active purchaser” role that would allow the exchange to choose which insurance plans it would offer, 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. Awaiting final vote in the House.

HB 366 Conform Insurance Code to ACA. Rep. Jeff Steinborn. This massive (266 pages) bill would amend the state insurance code to come into compliance 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. Passed HHGIC; pending in HJC.

HB 563 Health Insurance Exchange. Rep. Tom Taylor. This is an alternate proposal for establishing a state-operated health insurance exchange in New Mexico. This bill also calls for board appointments to be split between the governor and the Legislature. It would include the Economic Development Secretary as a board member but is less specific than HB 168 as to who would be appointed to most board slots and does not require that most members be employers or small business employees as HB 168 does. Also unlike HB 168, HB 563 makes no mention of navigators/assisters to help guide people through the system of enrolling in appropriate coverage, and makes 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 bars an “active purchaser” approach and calls for any health insurance plan that meets federal requirements to be offered for sale on the exchange. See HB 168, above, for a description of what “active purchaser” means. HHGIC/HJC.

HB 564 Licensure of Health Insurance Exchange Navigators. Rep. Tom Taylor. This bill would require a formal licensure process for any individual or organization offering “navigator” or “assister” services in conjunction with the health insurance exchange, and would subject them to training requirements and regulatory oversight by the Superintendent of Insurance. *DRNM believes this approach is inconsistent with the provisions and the intent of the Affordable Care Act, which is to provide assistance, through well-established community organizations, to people trying to use the unfamiliar process of the exchange to compare and select health insurance coverage.* HBIC/HJC.

SB 221 Health Insurance Exchange. Sen. Jerry Ortiz y Pino. This bill is the same as the original version of HB 168 (above). It calls for an 11-member board of directors, with three appointments by the governor, three by the Insurance Superintendent, and four by the Legislature. The bill provides for

navigator/assister services, specifically includes provisions relating to enrollment in Medicaid, and calls for an “active purchaser” approach (see HB 168, above). SPAC/SCORC/SFC

SB 589 Health Insurance Exchange. Sen. Benny Shendo. This is yet another variation of an effort to establish a state-based exchange in New Mexico. This bill calls for a 17-member exchange board with the Insurance Superintendent as a voting member. The governor and the Legislature each would appoint half of the other 16 members, with half of them being consumers, consumer advocates, small employers, or employees of small employers. All of the board’s initial members would be current members of the existing boards of the Health Insurance Alliance or the Medical Insurance Pool, the state’s high-risk pool. Unlike the other bills discussed above, HB 589 does not address the issue of “active purchasing” at all. SPAC/SCORC.

Housing

SB 32 Support Services for Long-term Housing. Sen. Richard Martinez. Appropriates \$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. Passed SPAC, pending in SFC.

Self-Determination and Community Integration

HB 103 Voter ID Requirements. Rep. Cathrynn Brown. This bill would require all voters, including absentee voters, to provide a picture ID or tribal enrollment document in order to vote. The bill provides for issuing ID cards for those who do not have them. *DRNM has concerns about such measures since some people with disabilities (including some seniors with disabilities) are eligible and legally entitled to vote but do not have such IDs and wouldn’t be able to easily obtain them.* HVEC/HJC.

HB 155 Fees for Accessible Parking Placards. Rep. Miguel Garcia. This bill would impose a \$5 fee on those applying for accessible (“handicapped”) parking placards; most of the proceeds of the fees collected would go in to the disability services fund maintained by the GCD. *DRNM is concerned that a parking permit fee that is imposed only on persons with disabilities may be discriminatory, and while we support the good work that the GCD could do with the additional funds, we question whether the fund should be financed by a tax on persons with disabilities and/or their families who drive them around.* Passed HTPWC; pending in HTRC

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 would be exempt from the motor vehicle registration fee for one vehicle. Passed HTPWC; HJC/HAFC.

HB 414 Alternative Medical Certifications. Rep. Nate Cote. This bill would authorize 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, if those things fall within the scope of practice of these other medical professionals. For example, this bill would allow the additional categories of medical providers to certify the existence of a mobility impairment for people seeking an accessible parking placard due to their disability. This certification currently must be done by a physician. HHGIC/HJC.

HB 557 Family Access to Health Research Records. Rep. Liz Thomson. This bill would allow 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. It is not clear whether this

provision would include the mortality reviews DOH conducts on certain persons with developmental disabilities who die while being served in a community-based program, which are conducted as confidential peer reviews. HHGIC/HJC.

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

HJM 36 Expand Ombudsman to Community Settings. Rep. Rick Miera. This memorial calls 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 community settings. The program is currently limited to persons in nursing homes, assisted living facilities, and similar facilities. Passed the House 64 - 0; awaiting Senate committee assignments.

SB 112 Extending Certain Guardianship Powers. Sen. Gerald Ortiz y Pino. Under current law, any guardianship arrangement for an adult with a disability ends at the moment the protected person dies. As amended, this bill would extend 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. Notice would have to be provided to any known close family members. Substitute version passed SPAC, tabled in SJC pending further amendments.

SB 320 Service Animals. Senator Nancy Rodriguez. This bill would align the provisions of New Mexico's Assistance Animal Act with federal regulations for service animals 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 dog. Passed SPAC; pending in SJC.

SB 291 Parental Notification. Sen. John Ryan. This bill would require 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 exempts the woman from the notification requirement. *DRNM's concern with this legislation is that New Mexico law provides for "limited" guardianships, so not all guardians have authority to make health care decisions for a protected person. And because bearing children is such a fundamental constitutional right, even plenary guardians may not have the authority to provide or withhold consent to an abortion. We note that a similar bill in the House, HB 177, does not cover adults with disabilities and thus does not raise these concerns.* SPAC/SJC.

SJM 17 Disability Awareness. Sen. Jerry Ortiz y Pino. This memorial designates October as Disability History and Awareness Month and requests that all public schools provide instruction that month for their students, to promote greater understanding and awareness of people with disabilities. The memorial was developed and is being promoted by the Youth Leadership group. Passed the Senate (after long and controversial debate) 37 -1; passed the House 70 - 0. **This memorial has now been adopted.**

OTHER

HB 131 Silver Alert for Missing Persons. Rep. Paul Pacheco. This bill would authorize 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. Passed the House 65 - 0; SPAC/SJC.

HB 272 Free Elk Hunting Licenses for Veterans with Disabilities. Rep. Phillip Archuleta. This bill directs 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%. Passed the House 65 - 0; SCONC/SJC.

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 request plates that contain the logo of a public New Mexico university, provided that they pay a fee for such a plate. Standard plates for those with mobility impairments are free. HTPWC/HAFC.

SB 152 Non-reversion of Funds for the Office of Guardianship. Sen. Michael Padilla. This bill would create a fund at the Office of Guardianship at the DD Planning Council, to receive state appropriations for the program as well as donations, grants, and other income. It would allow the Office of Guardianship to carry over to the next year any funding that might be left over in the fund at the end of a state fiscal year. For most state agency programs, any such remaining state money at the end of a year must go back ("revert") to the state general fund. Passed SPAC, pending in SFC.

SB 171 Disabilities Concerns Subcommittee. Sen. Nancy Rodriguez. This bill would establish 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. Currently, a similar committee functions as a subcommittee of the Legislative Health and Human Services Committee. As amended, the bill carries an appropriation of \$1 million to cover the cost of committee member travel and staff. Passed SRC; pending in SPAC

Contacting your Legislators

We encourage you to bring the voice of the disability community to the Legislature! Here's how you can reach legislators during the session:

Telephone: Call the Capitol switchboard at 505-986-4300 and ask for your legislator by name.

E-mail: To find your legislator's e-mail address, log on to the Legislature's "Find Your Legislator" web site, <http://www.nmlegis.gov/lcs/legislatorsearch.aspx>, and click on the "Alpha List" for either the House or the Senate. Not all legislators have listed email addresses.

U.S. Mail: [Legislator's name], NM State Capitol Bldg., Santa Fe, NM 87503

Don't know who your legislators are? You can find out through the legislative website using your address. Go to the Legislature's "Search by Address" page at http://www.nmlegis.gov/lcs/district_geocoder.aspx. Enter your complete home address including zip code in the box provided, and click on "Find District". This will show the name and picture of your Representative. To find your Senator, open the drop-down menu for "maps" and select "Senate Districts" instead of "House of Representatives Districts".

ABBREVIATIONS USED IN THIS REPORT

Legislative Committees

HAFC	House Appropriations and Finance Committee
HAGC	House Agriculture and Water Resources Committee
HBIC	House Business and Industry Committee
HEC	House Education Committee

HHGIC House Health, Government and Indian Affairs Committee
HJC House Judiciary Committee
HTPWC House Transportation and Public Works Committee
HTRC House Taxation and Revenue Committee

SCORC Senate Corporations Committee
SEC Senate Education Committee
SFC Senate Finance Committee
SIAC Senate Indian Affairs Committee
SJC Senate Judiciary Committee
SPAC Senate Public Affairs Committee

LFC Legislative Finance Committee (joint House-Senate committee that meets during the interim between legislative sessions)

State Agencies

ALTSD Aging and Long Term Services Department
DDPC Developmental Disabilities Planning Council
DOH Department of Health
GCD Governor's Commission on Disability
HSD Human Services Department
PED Public Education Department