



DISABILITY RIGHTS NEW MEXICO

1720 Louisiana Blvd. NE, Suite 204 • Albuquerque, New Mexico 87110
TEL/TTY: (505) 256-3100 • FAX: (505) 256-3184
State-wide Toll Free 1-800-432-4682
WEBSITE: www.drnmm.org • EMAIL: info@drnm.org
James Jackson, Executive Director

Promoting and Protecting the Rights of Persons with Disabilities

DISABILITY ISSUES IN THE 2011 LEGISLATURE STATUS REPORT #6

February 28, 2011

By Jim Jackson, Executive Director
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Disability Rights Awareness Day a success. Nearly 200 people participated in this year's events, held last week in Santa Fe. After a welcome by Santa Fe Mayor David Coss, Joe Thompson provided a motivating and interactive keynote presentation on Monday. Brent Earnest from the Legislative Finance Committee staff provided an overview of the state budget and the committee's recommendation for Medicaid and related programs. Trainings on the legislative process and workshops related to topics in this year's legislature rounded out the day.

In the capitol rotunda on Tuesday, the governor's chief of staff, Keith Gardner, spoke on behalf of Governor Martinez to indicate her support for disability issues, and he noted the governor's commitment to increasing funding for the Medicaid program. State Auditor Hector Balderas, who is the parent of a child with disabilities, encouraged the crowd to set high goals for the future. The Disability Coalition presented "Legislative Champion" awards to Senators Tim Jennings, Mary Kay Papen, and Tim Keller.

State budget update. The House Appropriations and Finance Committee completed its work on the state budget bill last week, but a dispute over the state's film tax credit delayed action by the House. A new agreement to limit the annual payout for the credit appears to be in place, which allows for an additional \$25 million in state expenditures that have been added to the budget. The governor has been pushing for the additional spending, which includes an extra \$6.5 million in state matching funds for the Medicaid program. This brings the appropriation for the Medicaid program up to the full amount originally requested by the governor. While this still under-funds Medicaid by around \$75 million (more than \$20 million in state funding), based on current cost projections by the Human Services Department, it is an improvement over the HAFC recommendation.

Government restructuring update. A Senate bill (SB 158) that would have eliminated a number of agencies and advisory councils, including the Governor's Commission on Disability and the Brain Injury Advisory Council, has been amended to retain both of them. Other bills that would create a new health care agency, to include managed long-term care and other Medicaid programs, are not moving in the legislature. A proposal to "sunset" around 85 existing agencies, boards and commissions, including several disability programs, has also stalled. One restructuring proposal (HB 189) that would eliminate the Aging and Long Term Services Department and move all of its programs to HSD, has cleared one committee but faces a very

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uncertain future in further committee hearings. The restructuring initiative may come down to the simple cost-savings provision in HB 2. That provision identifies 13 state agencies – including the Governor’s Commission on Disability and the Aging and Long-Term Services Department – and reduces the amount appropriated to them by a total of \$3 million, leaving it to the governor to decide how to allocate the reduction among the 13 agencies.

Bills and Memorials of Interest to the Disability Community

Committee assignments for each bill are shown at the end of the summary of the bill. An explanation of abbreviations is included in the Reference section at the end of this report.

State Budget

HB 2 General Appropriations Act. Rep. Kiki Saavedra. This is the state budget bill, making appropriations to all state agencies for operations in the coming fiscal year FY 2012 (beginning July 1, 2011). The chart below shows funding levels for agencies or programs of interest to the disability community, with a comparison to current year funding.

<u>Agency/Program</u>	[Amounts in millions and rounded]	
	<u>FY 11</u> (Current year)	<u>FY 12</u> (per HAFC)
Adult Protective Services (ALTSD)	\$12.76 million	\$12.65 million
Behavioral Health (Non-Medicaid)	54.97	55.88
Brain Injury Advisory Council	0.093	0.087
Child Protective Services (CYFD)	109.53	111.84
Civil Legal Services (state funds)	1.978	1.328
Comm. for Deaf & Hard of Hearing	3.69	3.53
Commission for the Blind	7.697	7.565
Developmental Disabilities (DOH)	112.405	140.033
DDPC Guardianship	3.296	3.77
DDPC Consumer Support	0.296	0.296
DDPC Council	0.96	0.979
DVR Vocational Rehab Services	29.28	25.66
DVR Independent Living services	1.467	1.34
Governor’s Comm. on Disability	1.14	0.967
Medicaid (HSD)	3,649.497	3,785.7*

*There is now an additional \$6.5 million in state funds in the budget, in addition to the amount shown here, contingent on additional revenues or reduced revenues due to changes in the film industry tax credit. This would generate a total of around \$23 million when matched with federal funds.

Brain Injury

HB 91 Reductions in fund balances. Rep. Lucky Varela. This bill transfers monies from certain specialized funds to the state’s general fund to meet current state spending needs. The bill includes a transfer of \$300,000 from the Brain Injury Fund. That transfer was not adopted by HAFC in HB2 and this bill is not expected to move forward.

Deaf/Hard of Hearing

SB 485 Deaf-Blind services funding. Sen. Nancy Rodriguez. Appropriates \$300,000 to the NM Commission for Deaf and Hard of Hearing Persons for a program in Albuquerque to serve deaf and deaf-blind persons. Passed SPAC, pending in SFC.

SB 488 Sign language program. Sen. Nancy Rodriguez. Appropriates \$50,000 to the Higher Education Department for a sign language interpreter program at Santa Fe Community College. Passed SPAC, pending in SFC.

Developmental Disabilities

HB 243 Therapeutic horseback riding. Rep. Candy Ezell. Appropriates \$75,000 to DFA for a therapeutic horseback riding program in Dexter, NM, to provide physical, cognitive and behavioral therapy. This funding is not included in HB 2. Passed HCPAC, pending in HAFC.

HJM 13 Review of CDD programs. Rep. Danice Picraux. This memorial, which called on the Center on Development and Disabilities at UNM to do a financial and legal review of its various programs, has been withdrawn. It may be replaced with a new one that looks to encourage the Center's interest in providing services to adults with autism. HHGAC.

HJM 16 Value and dignity of persons with developmental disabilities. Rep. Rick Miera and Sen. Tim Keller. This memorial calls on the governor and the legislature to recognize and respect the value and dignity of persons with developmental disabilities. Passed the House; SRC/SPAC.

SB 297 Remove limits to early childhood insurance coverage. Sen. Jerry Ortiz y Pino. Current law requires most state-regulated health insurance policies in New Mexico to cover the cost of early childhood services to children up to three years old with developmental disabilities, up to an annual limit of \$3,500 worth of services. This bill, as amended, eliminates the annual cap on coverage for insurance policies issued through group and HMO health plans and raises the annual cap to \$10,000 for policies purchased by individuals. Passed SPAC and SCORC, awaiting vote by the full Senate.

SB 494 Community living. Sen. Nancy Rodriguez. Appropriates \$500,000 to DFA for community living and behavioral supports for persons with disabilities in Santa Fe and northern New Mexico. Passed SPAC, pending in SFC

SB 531 CYFD attorney fees for DD services. Sen. Rod Adair. This bill prohibits payment of attorneys and expert witness fees by CYFD, HSD, DVR and other agencies in the case of ACLU v. CYFD, and appropriates any savings associated with this ban to DOH to reduce the waiting list for the DD waiver program. *DRNM appreciates funding for the waiting list, but the state is obligated to pay attorney fees when it loses civil rights cases; and any savings that might accrue by not paying these fees would simply be used by the state agencies for their on-going programs, so there would be little if any new money for the waiver program.* SPAC/SJC/SFC

Education

HB 172 Prohibiting corporal punishment. Rep. Rick Miera. As amended, this bill deletes corporal punishment from the list of allowable disciplinary measures that public schools can impose on students, and requires school boards to adopt policies prohibiting the use of corporal punishment. Identical to SB 319. Passed HCPAC, pending in HEC.

HB 321 Public school data reporting. Rep. James Roger Madalena. This bill would require the Public Education Department to obtain, maintain and report data on suspensions/expulsions in public and charter schools, to include data by gender, race/ethnicity, special education status, and

related information. It would also add family members and advocates to the group that helps plan and oversee data collection from the schools. HCPAC/HJC.

HB 510 Tax credits for special education scholarships. Rep. Ray Begaye. This bill is identical to SB 398. See the listing for SB 398 for a summary and a note about DRNM's concerns about this bill. HEC/HTRC.

SB 142 Ancillary program units. Sen. Cindy Nava. This bill limits the number of "ancillary services" units that public schools can generate under the school funding formula, based on the number of children in the district and the number in special education programs. Ancillary services typically include occupational, physical and speech therapy but may include other services. The concern behind the bill is that some school districts may be inflating the need for services in order to generate more funding. The bill has been amended to allow local districts to get a waiver from the limit if they can convince the PED that they have a legitimate and justified need for a higher number of units. Passed SEC, pending in SFC.

SB 192 Special education amendments. Sen. Lynda Lovejoy and Rep. Mimi Stewart. This is a package of technical amendments to state special education law that will more closely align state definitions and requirements with the provisions of the federal IDEA. The bill also explicitly authorizes programs and services for children with developmental delay; these programs are already in place state-wide but not specifically authorized in state law. Concerns have been expressed by organizations for gifted students who are concerned that the bill may reduce protections or funding for such students, and the bill is not moving forward. SEC/SPAC.

SB 314 Autism evaluation and services. Sen. Clinton Harden. This bill would define autism for purposes of special education and require schools to consider a variety of potential appropriate educational interventions for children when developing individual educational plans for them. Passed SEC and SPAC, awaiting vote by the full Senate.

SB 319 Prohibiting corporal punishment. Sen. Cindy Nava. This bill is identical to HB 172 and prohibits corporal punishment in public schools. Passed SEC and SPAC, awaiting vote by full Senate.

SB 330 Limit FIT placement options. Sen. Cindy Nava. Under current law, if a child who has been enrolled in a Family, Infant, Toddler program for 0-3 year olds regulated by the Department of Health will turn 3 years old during a school year, the family has three choices: 1) keep the child in the FIT program throughout that entire school year; 2) enroll the child early in the public school pre-school program for 3-5 year olds and keep the child there throughout that entire school year; or 3) keep the child in the FIT program until the child's third birthday and at that point transfer the child to the public school pre-school program. This bill would eliminate options 1 and 2. FIT programs are federally mandated to serve children through age two, and they get no extra funding to serve three-year-olds. Faced with a budget crunch, DOH wants the children to move on to the public schools as soon as they turn three, since the schools can receive formula funding for them. Passed SEC, pending in SFC.

SB 398 Special needs student scholarships. Sen. Jerry Ortiz y Pino. This bill would authorize the creation and recognition of organizations to provide scholarships to the families of special needs students to assist them in attending the school of their choice. Ninety percent of the contributions by individual and corporate taxpayers to such organizations would become a credit against the state income tax they would otherwise owe. *DRNM's concerns with this bill are 1)*

children voluntarily enrolled in private schools do not have most of the legal protections regarding special education that are provided under IDEA and state law, and thus have little recourse if the private school is not providing an appropriate education; 2) there is no requirement that the private schools receiving the state-subsidized scholarships have approved special education programs or even provide special education; and 3) we question whether it is good public policy to use tax dollars to encourage families to send their children to private schools. The bill was heard in SEC, which declined to take action on it. In effect, the bill has been indefinitely tabled.

SB 418 Limiting school referrals to police. Sen. Jerry Ortiz y Pino. This bill would limit school district reporting of petty acts of misconduct or misdemeanors to law enforcement agencies, and require districts to develop policies that offer alternatives to suspension and expulsion. Districts also would be required to report annually to the PED data concerning the number of students arrested, cited or referred to CYFD juvenile authorities, by age, race, gender, and special education eligibility category (if applicable). As amended, the bill would take effect on July 1, 2012. Passed SEC, pending in SJC.

Government Restructuring

HB 66 Administrative services by DFA. Rep. Lucky Varela. Under this bill, the Department of Finance and Administration (DFA) would provide budgeting and administrative services for all state agencies with fewer than 20 employees rather than having those functions handled in-house at each agency. This would affect the DD Planning Council, the Governor's Commission on Disability, and other small agencies. Passed HHGAC without recommendation, pending in HTRC with additional referral to HAFC.

HB 88 State agency sunsets. Rep. Paul Bandy and Sen. Lynda Lovejoy. This bill would apply "sunset" dates to a variety of boards, commissions, and agencies, including the DD Planning Council, the Behavioral Health Planning Council, the Commission for the Blind, the Commission for the Deaf and Hard of Hearing, the Civil Legal Services Commission, and others. Each agency would be reviewed by the Legislative Finance Committee in the year prior to the sunset date, and the LFC would then be required to propose legislation to either extend or terminate each agency. HHGAC/HBIC/HAFC.

HB 94 Health Care Financing Agency. Rep. Danice Picraux. As amended in HHGAC, this bill would create a new state agency that would administer Medicaid (including the CoLTS managed long-term care program as well as the Medically Fragile waiver now administered at DOH), behavioral health and other programs, but would not be responsible for public employee health insurance. The bill does not move the DD waiver from the Department of Health at this time. HHGAC/HEC/HAFC.

HB 189 Transfer ALTSD programs to HSD. Rep. Al Park. This bill would eliminate the Aging and Long Terms Services Department and transfer all of its programs and personnel to the Human Services Department. Passed HCPAC, pending in HHGAC with an additional referral to HAFC.

HB 570 Transfer ALTSD programs to HSD and CYFD. Rep. Bob Wooley. This bill also would eliminate ALTSD. It would move the CoLTS, brain injury, Mi Via and PACE programs from ALTSD to HSD, and move all other ALTSD programs to the Children, Youth and Families Department. HHGAC/HJC/HAFC.

SB 15 Health Policy and Financing Agency. Sen. Dede Feldman. This bill would create a new state agency that would include the Health Policy Commission, Medicaid, behavioral health, and long-term services (including CoLTS) now housed at ALTSD, the medically fragile waiver now at DOH, and other programs. It also would restructure two of the legislature's interim committees. The bill does not move the DD waiver program from the Department of Health at this time. SRC/SPAC/SFC.

SB 67/SB 104 Administrative Hearings. Sen. John Ryan/ Sen. Tim Eichenberg. These bills have been combined in one substitute bill. This would create a new government entity that would employ the hearing officers who act as judges in administrative appeals, rather than having that function handled by the individual agencies whose decisions are being appealed. This would include appeals involving decisions by Medicaid, DVR, the DD division, etc. This bill reflects a recommendation from the Government Restructuring Task Force and may give hearing officers more independence from the provider agencies. Passed SRC, pending in SJC with additional referral to SFC.

SB 158 Repeal certain boards and commissions. Sen. Lynda Lovejoy and Rep. Paul Bandy. The original version of this bill would have eliminated the Governor's Commission on Disability and the Brain Injury Advisory Council, along with many other state boards and commissions, and transferred their functions to other state agencies. As amended, GCD and the BIAC have been dropped from the bill, so they would not be eliminated. The bill also limits the size of the Behavioral Health Planning Council to no more than 20 persons; it had become a very large group under the Richardson administration. Passed SRC, pending in SPAC with an additional referral to SFC.

SB 162 Health Administration and Finance Agency. Sen. Linda Lopez. This is another bill to create a new agency housing health policy and coverage programs, including Medicaid, behavioral health, long-term services, and others. Similar to HB 94 and SB15. SRC/SPAC/SFC.

Health Care

HB 33 Health Insurance Exchange. Rep. Danice Picraux and Sen. Dede Feldman. Establishes a framework for implementation of the state health insurance exchange consistent with federal health care reform. The Exchange would be established as an independent quasi-governmental agency with a board of directors appointed by the governor and by the legislative leadership. Substitute versions passed HCPAC and HHGAC; but the bill has been returned to HHGAC for further consideration.

HB 124 Provider notice to patients. Rep. Al Park. These amendments to the Uniform Health-Care Decisions Act would require supervising medical providers in hospitals or urgent care centers to identify themselves to patients by name and professional category (doctor, physician's assistant, nurse practitioner, etc) prior to carrying out medical procedures on the patient. A substitute version passed HHGAC, pending in HJC

HB 373 Financial impact of Medicaid changes. Rep. Rhonda King. This bill would require the Secretary of the Human Services Department to submit a report describing the fiscal impact of any proposed significant changes to the Medicaid state plan or any waivers of Medicaid requirements requested of the federal government, 60 days prior to submission of any such changes or as soon as practicable. Passed HHGAC and HAFC, awaiting vote by the full House.

HB 493 Health care bill of rights. Rep. Al Park. The “Katie Faith Martinez Patients’ Bill of Rights Act” would recognize a variety of rights for all health care patients. The rights involve respect, privacy, receiving information, confidentiality, consenting to or refusing treatment, access to interpreter services if needed, and information about the identity and professional title of those who are providing health care to the patient. HCPAC/HJC

HB 584 Health insurance exchange. Rep. Terry McMillan. This is another bill to establish a health insurance exchange. In this version, the board would be heavily weighted toward insurance companies, brokers, health care providers, and others in the industry, and the exchange would play a very limited role in the health insurance market. HHGAC/HBIC/HJC.

HJM 9 Amendments to Affordable Care Act. Rep. Mimi Stewart. This memorial asks our Congressional delegation to support changing the federal health care reform law to move up the date when states may ask for permission to pursue other approaches to expanding health coverage as alternatives to the health insurance exchange. Currently, such waivers will not be available until 2017. Passed the House; SRC/SPAC.

SB 22 Health care provider protection and ombudsman. Sen. Jerry Ortiz y Pino. In addition to establishing greater protections for health care providers in their relationship to managed care organizations, this bill would create an independent health care ombudsman program. The ombudsman would be available to assist consumers as well as providers with problems related to managed care companies. The Superintendent of Insurance would select the ombudsman but the program would have to be operated by one or more contractors independent from the Insurance Division. SCORC/SJC/SFC.

SB 38/SB 370 Health Insurance Exchange. Sen. Dede Feldman/ Sen. George Munoz. These bills have been combined into a committee substitute. The new bill would establish a health insurance exchange program in New Mexico to fulfill the requirements of federal health care reform. In this version, the board is weighted toward members of the current Medical Insurance Pool and the Health Insurance Alliance. It is similar but not identical to HB 33. Passed SPAC and SCORC, pending in SFC.

SB 206 Eliminate Medicaid managed care. Sen. Jerry Ortiz y Pino. This bill would require the Human Services Department to provide Medicaid, the Children’s Health Insurance Program, and the State Coverage Insurance program through contracts with individual providers or provider networks, and would prohibit the department from contracting with managed care companies to administer those programs. SPAC/SFC.

SB 497 Managed Care Ombudsman. Sen. Jerry Ortiz y Pino. This bill would create a managed health care ombudsman program, designated by the Insurance Superintendent but operated through contract to an independent organization. This is the same ombudsman program as the one included in SB 22 (above), but offered as a separate bill. SPAC/SJC/SFC

SB 536 Drug price controls. Sen. Tim Jennings. This bill would limit co-pays for specialty prescription drugs, for which some insurers are charging a much higher rate than any other medication. SPAC/SJC/SFC.

SJM 1 Health care reform work group. Sen. Dede Feldman. This memorial calls for continuation of the health care reform work group that was established last year to assist the state

in preparing for and implementing the provisions of federal health care reform. Passed the Senate; HCPAC/HAFC.

Mental Health/Behavioral Health

HB 93 Mental health intervention training. Rep. Ed Sandoval and Sen. David Ulibarri. This bill would require police officer training in crisis intervention, confrontation de-escalation, and appropriate interaction with persons who have mental impairments. As amended, the bill would require forty hours of initial training at the police academy for new officers, two hours of in-service for existing officers every two years, and one hour of training for dispatchers. Passed HCPAC and HJC, awaiting vote by the full House.

HB 432 Regional pilot programs. Rep. Zachary Cook. As amended, this bill would permit but not require the Behavioral Health Purchasing Collaborative to contract with a network of behavioral health providers, in partnership with a new risk-based entity owned or controlled by the network, to provide behavioral health services in one or more regions of the state for a period of at least two years. The existing managed care entity (currently Optum Health) would no longer cover the affected region(s). Passed the House; SPAC/SFC.

HB 497 Limiting DA role in MH commitments. Rep. Dennis Kintigh. This bill would designate the Department of Health and the Aging and Long Term Services Department, rather than district attorneys (as under current law), to receive medical and other information about someone believed to be mentally ill and likely to cause serious harm to himself or others, investigate the situation, and (at their discretion) petition for an involuntary civil commitment. The DA could be involved only if the person was being or had been prosecuted by the DA in a criminal case. HHGAC/HJC

HB 498 Guilty But Mentally Ill. Rep. Dennis Kintigh. This bill would re-instate the plea or verdict of “guilty but mentally ill”, which was repealed last year. Persons found GBMI would serve the same sentences as those who commit the same crimes but were not mentally ill. However, the corrections department would be required to evaluate the person and provide such mental health treatment as it deemed necessary. *Since detainees and prisoners already have a right to necessary medical treatment, DRNM sees no advantage in reinstating GBMI. Jurors may be more likely to convict someone through the use of GBMI if they mistakenly believe that this would lead to comprehensive treatment.* HCPAC/HJC

HB 499 Commitment of mentally ill and dangerous individuals. Rep. Dennis Kintigh. This bill would dramatically alter the current criteria for involuntary commitment and the conditions for confinement. It would allow commitment for those who are found to be mentally ill and “dangerous to others”; this term is not defined in the bill, unlike current law that has specific criteria involving the likelihood of serious bodily harm to others linked to behaviors that would or could cause such harm. A person who is mentally ill and not dangerous could still be committed for at least a year; current law requires a finding of likelihood of harm to one’s self or others. Individuals found to be mentally ill and dangerous a year after their initial commitment could be held indefinitely in a secure treatment facility, and could not be discharged until the Secretary of the Department of Health and a separate review board determined that the person could adjust to society, was no longer dangerous to others and no longer needed inpatient treatment, and whether conditions existed that would provide a “reasonable degree of protection to the public” and would assist the person in adjusting to the community. *DRNM opposes this draconian and punitive approach to persons with mental illness.* HHGAC/HJC

HB 559 Mental health treatment guardianship amendments. Rep. Dennis Kintigh. New Mexico law provides for appointment of a treatment guardian to make mental health treatment decisions for a person who lacks capacity to make such decisions because of mental illness. This bill provides more detail for how a petition is filed, assures that an evaluation of the individual is done by a mental health professional, and strengthens the individual's input into decision-making. It requires the Department of Health both to provide the individual's attorney and to serve as opposing counsel in certain proceedings, and directs DOH to provide enough funds to the Office of Guardianship to train treatment guardians. The bill appears to require the development of a treatment plan when a treatment guardian is appointed. HHGAC/HJC.

HJM 17 Alternatives to incarceration. Rep. Rick Miera. This memorial calls for a task force of stakeholders to develop strategies to reduce the unnecessary incarceration of persons with mental illness. DRNM and NAMI-NM would be among the members of the task force. Passed the House; SRC/SPAC.

HJM 23 Task force for children. Rep. Danice Picraux. This memorial calls on the Behavioral Health Purchasing Collaborative to convene a task force to develop recommendations on how to encourage parents, social workers, therapists and others to support children in school, and reduce aggressive behaviors and the need for clinical intervention. HAFC.

SB 21 End managed care in behavioral health. Sen. Jerry Ortiz y Pino and Rep. Antonio Lujan. This bill deletes the current requirement for the Behavioral Health Purchasing Collaborative to contract with one or more managed care entities to administer state behavioral health services, and instead calls for the state to contract directly with providers or provider networks. Passed SPAC; pending in SFC.

SB 175 Choice of MH Counselors. Sen. Bernadette Sanchez. This bill amends the provision of the Insurance Code that protects the right of an insured to choose their own provider within the limits imposed by the insurance plan, by adding "professional clinical mental health counselors" to the list of practitioners. The choice of provider is still subject to the limits of the insurance plan's coverage, so the bill would not guarantee access to a provider outside the network of contracted providers in a plan that uses such a network. The provision does not apply to health maintenance organizations (HMOs). Passed the Senate; HHGAC/HBIC.

SB 417 Native American suicide prevention. Sen. Lynda Lovejoy. This bill appropriates \$100,000 for the Behavioral Health Purchasing Collaborative to establish a state-wide clearinghouse to provide culturally appropriate suicide prevention and related services, and \$300,000 to establish three local Native American youth suicide prevention programs. Passed SIAC, pending in SFC.

SB 438 Safe House Act. Sen. Jerry Ortiz y Pino. This bill requires HSD to establish at least two behavioral health safe houses for persons in crisis, to be staffed with peer counselors and others. It would also create a fund that could be used to support additional safe houses. There is no funding in the bill to support the first two houses. Passed SPAC, pending in SFC.

SB 450 Regional pilot programs. Sen. Mary Kay Papen. This bill would require the Behavioral Health Purchasing Collaborative to contract with a network of behavioral health providers, in partnership with a new risk-based entity owned or controlled by the network, to provide behavioral health services in one or more regions of the state for a period of at least two years.

The existing managed care entity (currently Optum Health) would no longer cover the affected region(s). SPAC/SFC.

SB 539 DA to pursue extended MH commitments. Sen. Jerry Ortiz y Pino. Under this bill, the District Attorney would have the responsibility for pursuing all extended mental health commitments, which can be brought after an individual has been taken to a mental health evaluation facility, if a physician or mental health facility determines that an extended commitment is needed. This legal work is currently done primarily by the Department of Health (for the Behavioral Health Institute) or the district attorney (for cases at UNM MHC). SPAC/SJC.

SB 557 Evaluation of Behavioral Health Purchasing Collaborative. Sen. Jerry Ortiz y Pino. This bill would establish a committee, made up of state agency and mental health provider and stakeholder representatives, to review the collaborative and the state mental health system and make recommendations for improvements. It would also direct the collaborative to report utilization and other data on its web site. SPAC/SFC

SM 39 Support federal Excellence in Mental Health bill. Sen. Howie Morales. Calls on the state's Congressional delegation to work to have this federal proposal reintroduced in the new Congress and to support it. No committee assignment; on the President's table.

SM 40 Solitary Confinement. Sen. Mary Kay Papen. Calls on the NM Sentencing Commission to convene a group to review the use and effects of solitary confinement in prison facilities in New Mexico, collect data on the number of persons with mental illness in solitary confinement, describe the conditions of solitary confinement, and make reports and recommendations to an interim legislative committee over the next two years. SRC/SJC

Self-Determination

HB 105 Electronic Voter Registration. Rep. Eleanor Chavez. This bill would allow people to register to vote on line, and authorize a link of their registration information to their driver's license in the MVD data base for the purpose of confirming identity. Passed HCPAC and HVEC, awaiting vote by the House.

HB 229 Parental notification act. Rep. Alonzo Baldonado. This bill is identical to SB 230 (see below for summary and analysis). HCPAC/HJC.

HB 271 Extend guardianship powers. Rep. Bill O'Neill. This bill would extend certain specific powers of a guardian for up to one year after the death of a protected person, in order to make funeral arrangements, wrap up the person's affairs, and report to the court. At present, the guardian's authority automatically ends upon the death of a protected person. Passed HCPAC, pending in HJC.

SB 125 Limitations on driver's licenses after age 75. Sen. Peter Wirth. This bill is intended to implement the recommendations of a task force that addressed safe driving. The bill sets up increasingly shorter periods between license renewals once drivers get to be 75 years old. The substitute version of the bill also requires testing for reflexes, reaction times, and coordination for all drivers when renewing licenses (the task force called for the development of such a test). Passed SCORC, pending in SJC.

SB 146 Uniform Probate Code Amendments. Sen. William Payne. This package of amendments to the guardianship provisions of the Probate Code clarifies which state would have jurisdiction to address guardianship issues when the principal parties reside in different states. SJC.

SB 230 Parental notification act. Sen. William Sharer. This bill would require notice to the parents of a minor child, or to the guardian or conservator 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 concerns with this legislation are that under New Mexico law, a conservator has no authority to approve or refuse an abortion, a guardian’s authority to approve or refuse an abortion is questionable at best, and New Mexico does not use the term “incompetency” in the determination of guardianship or conservatorship.* SPAC/SJC.

Other

HB 399 Restroom Access Act. Rep. Tom Anderson. This bill would require retail stores to let a customer use the employees-only restroom if there is no public restroom immediately available to the customer, the customer presents documentation of having a medical condition covered by the bill, and there are no serious safety or security risks to the business in providing access. Passed HHGAC, pending in HJC.

HB 431 Exemption from vehicle registration fee. Rep. Miguel Garcia. Under this bill, persons with disabilities whose annual income is no more than \$15,000 would not have to pay the motor vehicle registration fee for one automobile that they own. Same as SB 517, below. HTPWC/HTRC.

HJR 24 Property tax exemption. Rep. Miguel Garcia. This proposed constitutional amendment would exempt \$2,000 of a home’s assessed value from property tax if the home is owned by a person who is “100% permanently disabled” and whose annual income is \$15,000 or less. HTRC/HVEC.

SB 65 Fees to Disability Fund. Sen. Phil Griego. This bill would add \$5 to all vehicle registration fees, \$4 of which would go to the “Disability Fund” administered by the Governor’s Commission on Disability. This would generate about \$8 million per year to GCD to support a variety of possible disability services, as determined by the GCD. *DRNM supports new revenue but would prefer to see it used directly to reduce budget cuts to Medicaid, DVR, and other existing disability service programs.* Passed SCORC, pending in SFC.

SB 205 Protection of genetic information in employment. Sen. Cisco McSorley. This bill would establish protections for employees related to the collection and use of genetic information by employers. The bill applies to employers with at least 25 employees. Passed SCORC, pending in SJC.

SB 286 Access aisle markings. Sen. Jerry Ortiz y Pino. This bill would require the access aisle next to certain accessible (“handicapped”) parking spaces to be more clearly marked as a no-parking area. Passed SPAC and SCORC, awaiting vote by the full Senate.

SB 334 Adult residential provider licensing. Sen. Tim Jennings. This bill would require owners and operators of residential facilities for seniors or persons with disabilities to provide extensive information to the state agency licensing the facility, and direct the state not to license any

facility whose owner or operator has been involved in criminal activity, financial misdeeds or other disqualifying activities. Passed SPAC, pending in SJC.

SB 517 Motor vehicle registration fee exemption. Sen. Linda Lopez. This bill would provide an exemption from MVD fees for one vehicle for low income persons with disabilities. Same as HB 431, above. SCORC/SFC

SB 566 Purchasing from persons with disabilities. Sen. Mark Boitano. This bill would require each state agency and each local government entity to adopt a policy addressing how it will procure services from persons with disabilities, and establish targets such as a number of contracts, a dollar value or percentage of contracts, etc. Each agency and entity would have to review their performance each year and could set new targets accordingly. The bill would also amend the current State Use Act to make it discretionary, rather than mandatory, to go through the State Use council when procuring any services. SPAC/SCORC.

REFERENCE INFORMATION

Contacting Your Legislators. You can contact your senator or representative during the session:

Telephone: 505-986-4300. This is the Capitol switchboard operator: ask for your legislator by name and they will route your call to his/her office.

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? It's easy to find out through the internet but you'll probably need your full 9-digit zip code. If you don't know that number, you can get it through the postal service using this link: <http://zip4.usps.com/zip4/welcome.jsp>. Then log on to the state legislature's "Find Your Legislator" web page, <http://www.nmlegis.gov/lcs/legislatorsearch.aspx>. Under either the House of Representatives or Senate, click on the link to "Search by Name, District or Zip Code". You'll see a page with the photos and names of all the Representatives or Senators, with a search box near the top to search by zip code. Enter your five-digit zip code and click "Search". If you get a list including more than one Representative or Senator, you'll also get a search box at the bottom where you can enter the full 9-digit zip code. That search will result in a page that shows your specific Representative and Senator.

ABBREVIATIONS USED IN THIS REPORT

State Agencies

ALTSD	Aging and Long Term Services Department
CYFD	Children, Youth and Families Department
DDPC	Developmental Disabilities Planning Council
DFA	Department of Finance and Administration
DOH	Department of Health
GCD	Governor's Commission on Disability
HSD	Human Services Department
PED	Public Education Department

Legislative Committees

HAFC	House Appropriations and Finance Committee
HBIC	House Business and Industry Committee
HCPAC	House Consumer and Public Affairs Committee

HEC	House Education Committee
HHGAC	House Health and Government Affairs Committee
HJC	House Judiciary Committee
HTPWC	House Transportation and Public Works Committee
HTRC	House Taxation and Revenue Committee
HVEC	House Voters and Elections Committee
SCORC	Senate Corporations and Transportation Committee
SEC	Senate Education Committee
SFC	Senate Finance Committee
SIAC	Senate Indian and Cultural Affairs Committee
SJC	Senate Judiciary Committee
SPAC	Senate Public Affairs Committee
SRC	Senate Rules Committee
LFC	Legislative Finance Committee (joint House-Senate committee that meets during the interim between legislative sessions)
LHHS	Legislative Health and Human Services Committee (interim committee)
Other	
CoLTS	Coordination of Long Term Services (Medicaid managed long term care program)