



DISABILITY RIGHTS NEW MEXICO

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Promoting and Protecting the Rights of Persons with Disabilities

DISABILITY ISSUES IN THE 2015 LEGISLATURE STATUS REPORT #8

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DD waiver cuts to be restored by court order. Federal District Court Judge Judith Herrera ruled last week that the reductions and caps in DD waiver services imposed in the past year by the Department of Health must be rescinded. The court order is in response to a lawsuit filed last year by DRNM and The Arc of NM and eight individual families challenging the cuts that were based on the way that the state used the Supports Intensity Scale (SIS) to limit individual budgets and service menus. The lawsuit was also based on the state's failure to provide a constitutionally adequate process for appealing the cuts. For more information, see the DRNM website, drnm.org.

The final week! This year's legislative session ends this Saturday at noon. So far, only 6 bills have passed both the House and the Senate. This is the time when sponsors scramble to get their bills heard and approved in committees and passed on the floor of the House and the Senate. With more than the usual animosity between the House and the Senate this year, it may turn out that relatively few bills will make it through both chambers.

Upheavals in the Senate. Senator Phil Griego, Democrat from San Jose, abruptly resigned his seat on Saturday, apparently to avoid a hearing on an ethics complaint that might have led to his censure or even expulsion. The complaint was reportedly based on his receipt of a commission or fee related to the sale of state property that was the subject of legislation he shepherded through the 2014 session, in apparent violation of a state constitutional provision. This is believed to be the first time in 40 years that a legislator has resigned during the session. The governor will appoint Griego's successor based on recommendations from the county commissions of the six counties he represented, and it is expected that the seat will move into Republican hands – at least until the 2016 elections.

The resignation came hard on the heels of the Senate's highly unusual vote to refuse confirmation of Matt Chandler, who had been nominated by Gov. Martinez as a UNM regent – the first such rejection of a Martinez appointee. A major point of contention was Chandler's role as the treasurer of a political action committee that made significant contributions to Republican candidates and worked against Democrats in the 2014 election. Some Democratic senators believe that Chandler was less than forthright at his confirmation hearing about his role with the PAC.

These two developments have increased tensions and partisan divisions in the Legislature.

Behavioral health fares well in Senate budget. The Senate Finance Committee has now adopted its version of the state budget for the coming year, and it assumes there will be additional state revenue based on the likely approval of new gaming compacts with a number of Native American tribes. Behavioral health programs are slated to receive much of the benefit from the new money. At this point, the budget includes new funding of \$2.25 million for crisis stabilization (triage) centers, \$1.2 million for intensive service coordination ("behavioral health homes"), \$1 million for targeted funding for high-needs communities ("behavioral health investment zones"), \$1 million for supportive-transitional housing, \$900,000 for expansion/replication of supportive housing and wrap-around services (apparently based on the Heading Home model in Albuquerque), \$445,000 for the statewide crisis/help line, and \$200,000 toward the cost of Assisted Outpatient Commitment should SB 53 pass the Legislature.

In the home stretch? The following substantive bills, which do not involve funding requests, have passed one legislative chamber and at least one committee in the other chamber, and are thus near the end of the process. This doesn't mean that they will pass or that other bills that are not as far along will not pass – but these are the bills that are well positioned in the final week of the session:

- HB 29** Child abuse reporting
- HB 77** Accessibility license plates for transportation agencies
- HB 103** Autism license plates.
- HB 108** Priority zones for behavioral health services
- HB 212** Medicaid payment for triage centers
- HB 222** Community Engagement Teams

- SB 42** Medicaid eligibility in jails and prisons
- SB 53** Assisted Outpatient Treatment
- SB 216** DD waiver annual waiting list report
- SJM 4** Alternative placements for persons with mental illness in jail

Bills and Memorials in the 2015 Session

This list is grouped by disability or subject matter and shows the bill number, sponsor, a description of the bill and the current committee assignments or action taken on the bill or memorial. A bill that has been tabled is unlikely to move forward. Appropriations bills that are shown as currently pending in either the House Appropriations and Finance Committee or Senate Finance Committee are virtually certain to go no further – either the money is included in the state budget bill, HB 2, or it won't happen. See page 12 for a list of abbreviations used in this section.

Autism Services

- **HB 103** Autism license plates. Rep. David Gallegos. This bill would authorize a special license plate to promote autism awareness. The plate would cost \$35, and \$25 of the fee would go to the Department of Health to support autism research, outreach and education. Passed the House 49-0; passed SCORC, pending in SPAC.
- **HM 56** Study possible link of autism and Roundup. Rep. Brian Egolf. This memorial calls on CYFD and DOH to evaluate recent research suggesting a link between glyphosate, a key ingredient in the herbicide "Roundup", and the growing incidence of autism in children. Tabled in HAWC.

Behavioral Health/Mental Health

- **HB 44** Gun show sales and reporting MI determinations. Rep. Miguel Garcia. This bill regulates the sale of guns at gun shows but also requires the state to report court findings of mental illness to federal authorities for purposes of maintaining the federal data base of those who are prohibited from buying guns. Tabled in HRPAC.
- **HB 108** Priority zones for BH services. Rep. Patty Lundstrom. This bill would require the Behavioral Health Purchasing Collaborative to divide the state into “zones” based on criteria such as mortality related to alcohol use, drug overdose and suicide, and give priority in non-Medicaid funding for behavioral health services to zones identified as high-risk and high-need. The state would be required to provide regular reports on behavioral health funding and services to the Legislature. Same as SB 522 and similar to SB 566, below. Passed the House; passed SPAC, pending in SFC. The SFC version of the state budget bill includes \$1 million for this purpose.
- **HB 212** Medicaid payment for triage centers. Rep. Terry McMillan. As amended, this bill provides authority to DOH to license crisis triage centers that provide stabilization for persons in a mental health crisis, and directs the Human Services Department to establish a Medicaid reimbursement rate for services provided by a triage center. Passed the House; passed SPAC, pending in SFC. The SFC version of the state budget bill includes \$2.25 million of funding for these centers.
- **HB 222** Community Engagement Teams. Rep. Jason Harper. This bill authorizes pilot projects of community engagement teams to reach out to individuals with mental illness to educate them about available services and encourage them to participate in such programs. Amendments to the bill strengthen confidentiality protections and the involvement of trained peers. Passed the House; passed SPAC; SJC/SFC.
- **HB 223** Supportive housing. Rep. Roger Madalena. This bill would provide \$900,000 to CYFD to provide housing and support services to families whose children have been subject to abuse or neglect, who lack adequate housing, and who have mental health or substance abuse challenges. Passed HRPAC, pending in HAFC.
- **HB 224** Broaden mental health parity. Rep. Roger Madalena. This bill would extend the state’s existing parity law to include substance abuse as well as mental health services, extend the parity requirements to individual as well as group health plans, and specifically require coverage of residential mental health or substance abuse treatment for children and adults. Tabled in HWMC.
- **HB 258** MH counselor freedom of choice. Rep. Miguel Garcia. This bill would require health care insurers to allow their enrollees to choose from among available mental health counselors. Passed the House; awaiting Senate committee assignments.
- **HB 376** Limiting solitary confinement. Rep. Moe Maestas. This bill would prohibit jails and prisons from placing minors and persons with mental illness in solitary confinement, and limit the time that any other inmate or detainee could be held in solitary confinement. Tabled in HJC.
- **HB 455** Behavioral health services in 3-county pilot project. Rep. John Zimmerman. This bill appropriates about \$265,000 to DFA for a three-year demonstration project in Luna, Grant and Hidalgo County to provide behavioral health services for inmates of their county detention facilities and those leaving such facilities. Passed HHC, pending in HAFC. The SFC version of HB 2 includes \$100,000 for this purpose.
- **HB 543** Mental illness awareness license plates. Rep. Wonda Johnson. This bill would authorize special license plates to promote public awareness of mental illness. Of the \$35 annual fee for such a plate, \$25 would go to UNM for peer support and peer/family education programs. Passed HHC, pending in HAFC.
- **HB 545** Limit pre-trial detention for misdemeanors. Rep. Stephanie Maez. Same as SB 538, below. Tabled in HJC.

- **HB 574** Background checks for therapists. Rep. Sharon Clahchischilliage. This bill would require passing a criminal background check as part of the licensure requirements for various counselors and therapists. HRPAC/HJC.
- **HM 47** J. Paul Taylor task force. Rep. Gail Chasey. Calls for the re-establishment and continuation of this broadly representative task force to further develop an early childhood behavioral health action plan. Same as SJM 10 and SM 69, below. **PASSED.**
- **SB 38** Supportive housing and related support services. Sen. Jerry Ortiz y Pino. This bill would provide \$10.9 million to be used over the next five years for supportive housing, case management and other support services for homeless persons with mental illness in Las Cruces, Gallup, Farmington, Santa Fe and Albuquerque, based on the “Heading Home” model successfully piloted in Albuquerque over the past few years. Passed SPAC, pending in SFC. The SFC version of HB 2 appears to contain \$900,000 for this purpose.
- **SB 43** Transfer Sequoyah to UNM. Sen. Jerry Ortiz y Pino. This bill would transfer the Sequoyah Adolescent Treatment Facility from the Department of Health to the University of New Mexico Psychiatry Department. This bill is no longer being pursued by the sponsor, who has instead introduced SM 115, below, requesting a study of the facility.
- **SB 44** Behavioral health in school-based clinics. Sen. Jerry Ortiz y Pino. This bill appropriates \$16.56 million to be used over the next 5 years to provide behavioral health services in school-based health clinics around the state. SEC/SFC.
- **SB 45** Behavioral health “warm line” and resource center. Sen. Jerry Ortiz y Pino. This bill would appropriate \$1.9 million to UNM to be used over the next 5 years to develop a “warm line” and resource center that would link callers to available behavioral health services in their communities. Passed SPAC, pending in SFC.
- **SB 48** Psychiatric nurse practitioner training. Senator Mary Kay Papen. This bill provides \$400,000 to New Mexico State University to expand its psychiatric nurse practitioner training program. Passed SEC, pending in SFC. The SFC version of HB 2 contains \$300,000 for this purpose.
- **SB 53** Assisted Outpatient Treatment. Senator Mary Kay Papen. This bill would authorize court-ordered mental health outpatient treatment for persons with a history of mental illness who are considered likely to cause harm to themselves or others at some time in the future if they go without treatment. The bill has been amended extensively, and the latest version of the bill further limits who could be subject to court-ordered treatment, requires courts to follow the directions of guardians or advance directives (if any) unless there is good cause to over-ride them, and requires a treatment plan to identify the provider(s) willing and able to provide the recommended services. *The latest version of this bill still allows a district court to order medications and mental health treatment for an individual who is legally competent to make his/her own decisions, not currently a danger to themselves or others, and not accused of any crime. DRNM believes that this is a violation of the rights of such individuals to make treatment decisions for themselves.* Passed the Senate 30-11; passed HHC, pending in HAFC. The SFC version of HB 2 appears to contain \$200,000 toward the court costs associated with this initiative, far less than the amount the Administrative Office of the Courts has predicted will be needed.
- **SB 154** BH training for medical professionals. Sen. Sue Wilson Beffort. This bill originally provided \$12 million over a five-year period to UNM for Project Echo, to train primary care providers to screen and treat (or refer) for behavioral health issues. It was amended in SPAC to reduce the amount to \$1 million that would be available through June 2016. Passed SPAC; pending in SFC.

- **SB 155** Recruitment of health care professionals. Sen. Sue Wilson Beffort. This bill appropriates \$300,000 to the Department of Health to recruit medical, dental and behavioral health providers in New Mexico. Passed SPAC, pending in SFC.
- **SB 244** Screening and services for children. Sen. Jerry Ortiz y Pino. This bill would direct the Human Services Department to broaden the definition of medical necessity for Medicaid to cover an expanded range of services. It would require all Medicaid providers, and all behavioral health providers, that serve children to screen for a history of adverse childhood events and refer them for services. Passed SPAC, pending in SFC.
- **SB 345** Reporting court findings of mental incapacity. Sen. Daniel Ivey-Soto. This bill requires the state to report all court findings of mental incapacity to the FBI's instant background check system. The court orders covered by the bill would include guardianship appointments where a person was determined incapacitated due to mental disability, determinations that a person is incompetent to stand trial, or involuntary civil commitments where a person was determined to have a mental illness and to be a danger to self or others. Under federal law, all such persons are prohibited from purchasing firearms. The bill would establish a process for such persons to petition the court to restore these rights. Passed the Senate; HJC.
- **SB 484** Corrections-related behavioral health services. Sen. Sander Rue. This bill would require that all persons on probation or parole from prison, who are placed in an intensive supervision program due to a high risk of violation of the conditions of probation or parole, be placed into an appropriate behavioral health program, based on a needs and risk assessment. The bill would also require that over a 4-year phase-in period, half of all behavioral health programs in state prisons and community corrections programs would have to be evidence-based. SPAC/SJC.
- **SB 522** Priority zones for BH services. Sen. George Muñoz. This bill is identical to the original version of HB 108, above, before it was amended. SPAC/SFC.
- **SB 538** Limit pre-trial detention for misdemeanors. Sen. Mimi Stewart. This bill is designed to address the problem that adults with mental illness (among others) are often arrested for minor crimes such as littering or sleeping in public parks or shoplifting, and then end up spending months in jail, especially if their competency comes into question. The bill would prohibit holding persons accused of these specific crimes in custody for more than 48 hours unless the person is also accused of a more serious misdemeanor or a felony or meets other specific criteria that would warrant such detention. Passed SPAC, pending in SJC
- **SB 566** Priority zones for BH services. Sen. Mary Kay Papen. This bill is similar to the revised, current version of HB 108 (above). Passed SPAC, pending in SFC.
- **SB 595** Native American suicide prevention. Sen. John Pinto. This bill appropriates \$51,000 to the Indian Affairs Department to support a peer-helping suicide prevention program in public high schools in Native American communities in northwestern New Mexico. Passed SIAC, pending in SFC. The SFC version of HB 2 appears to contain \$200,000 for UNM for this purpose.
- **SB 620** Behavioral health services in McKinley County. Sen. George Muñoz. This bill appropriates \$1.5 million to HSD to provide behavioral health services in McKinley County. SPAC/SFC. The SFC version of HB 2 appears to earmark \$300,000 for this purpose.
- **SB 666** Priority zones for BH services. Sen. George Muñoz. Like HB 108, SB 522 and SB 566, above, this bill calls for setting priorities in non-Medicaid behavioral health spending. SPAC/SFC.
- **SJM 4.** Alternative placements for some held in jail. Sen. Sander Rue. This memorial calls on the Association of Counties to form a task force to study alternative placements for people with mental illness in jail awaiting trial or an evaluation of their competence to stand trial. Passed Senate; pending final House vote.
- **SJM 10** J. Paul Taylor task force. Sen. Jerry Ortiz y Pino. Same as HM 47, above, and SM 69, below. Awaiting final Senate vote.

- **SJM 24** School mental health task force. Sen. Sander Rue. The memorial calls on HSD and the PED to convene a diverse task force to make recommendations for effective provision of school-based mental health support and mental disorder treatment services to students. Awaiting final Senate vote.
- **SM 44** Study supportive housing for homeless. Sen. Sander Rue. This memorial calls on HSD, the Mortgage Finance Authority, the NM Coalition to End Homelessness and the Albuquerque Heading Home program to identify strategies to coordinate efforts more effectively, identify gaps, and make recommendations to the Legislature. Awaiting final Senate vote.
- **SM 69** J. Paul Taylor task force. Sen. Jerry Ortiz y Pino. This is a duplicate of SJM 10 (and HM 47) above, but is not a joint memorial and thus requires action only by the Senate. Awaiting final Senate vote.
- **SM 112** Behavioral health study. Sen. Clemente Sanchez. Requests the Behavioral Health Collaborative to identify the areas of the state with the greatest shortages in providers and services and to make recommendations to address those shortages. Passed SRC, pending in SPAC.
- **SM 115** Study Sequoyah treatment center. Sen. Jerry Ortiz y Pino. This memorial calls on the UNM Department of Psychiatry to establish a task force to review the Sequoyah Adolescent Treatment Facility and its current treatment model, staffing level and other issues and make recommendations on how to improve the facility's operations and finances. Passed SRC, pending in SPAC.

Brain Injury

- **HB 556** Insurance coverage for brain injury services. Rep. Deborah Armstrong. This bill would require that individual and group health insurance policies cover a variety of services, such as cognitive rehabilitation therapy, for persons with brain injury, without a lifetime limit. Passed HHC and HBEC, awaiting final vote in the House. The bill is unlikely to pass but key players are expected to work over the coming year to develop solutions on this issue.
- **SB 89** Brain Safe program. Sen. Mark Moores. Appropriates \$3 million to UNM to establish a program to do annual MRI scans on the brains of student athletes, for research purposes and to identify changes that may be associated with sports-related concussions. Passed SEC, pending in SFC. The SFC version of HB 2 contains \$175,000 for this program.
- **SB 308** Motorcycle helmets optional based on fee. Sen. Jerry Ortiz y Pino. This bill would generally require all motorcycle riders (including passengers) to wear appropriate and approved helmets, but would allow an exemption for a motorcycle owner who pays an annual fee of \$692. Fees would go to the brain injury service fund, the trauma system fund, and a new fatal-injury diagnosis and reporting fund. Persons who did not wear a helmet and were not exempt would face a first-time violator fine of \$300; second and subsequent violations would carry a fine of \$600. Current law requires helmets only for those under 18 years of age. Tabled in SPAC.
- **SB 327** Mandatory motorcycle helmets. Sen. Jerry Ortiz y Pino. This bill is similar to SB 308 (above) but would require all motorcycle riders (including passengers) to wear appropriate and approved helmets, with no exemptions. Violators would face the same fines as in SB 308. Tabled in SPAC.
- **SB 431** Student training on brain injuries. Sen. Bill Soules. This bill would require all student athletes in public schools to receive training and information on sports-related brain injuries. Passed the Senate; HHC/HJC.
- **SB 492** Athlete brain injury protocols. Sen. Michael Sanchez. This bill would establish guidelines and limitations on youth activity leagues and coaches intended to limit concussions in young athletes. The requirements would be identical to those that already apply to public school athletic programs and coaches. Awaiting final Senate vote.

Developmental Disabilities

- **HB 448** Authorizing legislation for ABLE accounts. Rep. Sheryl Williams Stapleton. This bill authorizes ABLE accounts in New Mexico and designates the office of the State Investment Council (SIC) to oversee and regulate such accounts in financial institutions in the state. ABLE accounts, recently approved by the US Congress under the ABLE Act, allow persons whose disability occurs by age 26 to build up special savings accounts up to \$100,000 without jeopardizing their eligibility for benefit programs such as SSI. Funds in such accounts can be used for education, housing, transportation, health care, assistive technology and disability-related expenses. Passed HHC, tabled temporarily in HWMC pending amendments to place the program in the office of the State Treasurer rather than the SIC.
- **HB 467** Authorizing legislation for ABLE accounts. Rep. Ken Martinez. This bill is the same as HB 448, above, and has been set aside by the sponsor in order to focus on passage of HB 448.
- **HM 9** Medical transitions for young adults. Rep. David Adkins. This memorial calls for DOH and the UNM Center for Development and Disability to convene a task force to study the needs of young adults with significant health care needs as they transition from pediatric care to the adult-oriented health care system. Same as SM 68, below. **PASSED.**
- **SB 19** DD waiver waiting list plan and funding. Sen. Bill Soules. *The sponsor has announced that he will not pursue this bill and will instead focus on SB 216, below.*
- **SB 216** DD waiver annual waiting list report. Sen. Bill Soules. This bill would require DOH to issue an annual report to the Legislature regarding the DD waiver program and the waitlist. The report would include a variety of data including a projection of how much it would cost the state to virtually eliminate the waiting list over a 5-year period. Passed Senate 42-0; passed HHC, pending in HWMC.
- **SB 278** Brittany alerts. Sen. Jacob Candelaria. With an expected floor amendment when it is heard by the full Senate, this bill would expand existing missing person alert programs to include missing persons with a developmental disability. Awaiting final Senate vote.
- **SB 312** Restore DD provider rate cuts. Sen. Carlos Cisneros. This bill provides \$3 million to DOH to restore rate cuts imposed on DD waiver provider agencies in the past few years. Passed SPAC, pending in SFC. The SFC version of HB 2 earmarks \$450,000 for this purpose.
- **SB 460** FIT provider rate increases. Sen. Howie Morales. Appropriates \$8.2 million to increase the rates paid to Family Infant Toddler (FIT) provider agencies. Passed SPAC, pending in SFC. The SFC version of HB 2 earmarks \$450,000 for this purpose.
- **SM 37** DD Awareness Month. Sen. Nancy Rodriguez. This memorial calls for the governor to designate March as Developmental Disabilities Awareness Month and calls on all public officials to recognize the accomplishments and capacity of persons with developmental disabilities and to treat them with respect. **PASSED.**
- **SM 68** Medical transitions for young adults. Sen. Jerry Ortiz y Pino. Same as HM 9, above. Passed SRC, pending in SPAC.

Education

- **HB 53.** No mandatory psychotropic medications in schools. Rep. Nora Espinoza. This bill would prohibit schools from requiring administration of psychiatric medications for students as a condition for attending school, and make it clear that parental refusal to consent to such medications cannot be grounds for removing children from a parent's custody. Passed the House; SJC.
- **HB 271** Sharing info on students in state custody. Rep. Gail Chasey. This bill requires PED and CYFD to share information with each other and with the public schools regarding children in state

custody, many of whom have disabilities, in order to improve their educational outcomes. It would also require annual status reports on the educational outcomes of these youth, as a group (not individuals). Awaiting final House vote.

- **SB 203** School testing accommodations. Sen. John Sapien. This bill would require schools to offer standards-based tests (such as the new PARCC test) to certain English Language Learners in their primary language, and to provide a paper-based version of this test, which is typically taken on a computer, to students with disabilities if called for in their IEP. The Public Education Department has indicated that the paper option and other accommodations are already available to students with disabilities who will be taking the PARCC, but this bill would establish this one option in state law. Awaiting final Senate vote.
- **SB 283** Restrict use of seclusion/restraint in public schools. Sen. Bill O’Neill. This bill would strictly limit the use of seclusion or restraints on students in public schools to emergency situations, require prompt notice to the child’s parent when seclusion or restraint has been used, and require an annual report from each school district on the number of incidents involving restraint or seclusion. Awaiting final Senate vote.
- **SB 640** New education funding formula. Sen. Mimi Stewart. This bill would significantly restructure the existing funding formula for public schools. One aspect of the new formula would provide funding based on a presumption that 16% of a school district’s population would be eligible for special education (which is higher than the current state average); actual enrollment in special education programs would not affect the amount of special education funding provided to a district. SEC/SFC.
- **SM 48** Young disability leaders. Sen. Jerry Ortiz y Pino. This memorial recognizes the work of a group of young disability leaders and their efforts to promote disability history and awareness, and calls on the Public Education Department to encourage local school districts, charter schools and colleges and universities to offer educational programs related to disability history and awareness. **PASSED.**

Health Care – General

- **HB 139** Voluntary lay aftercare providers. Rep. Tomas Salazar. This bill would allow hospitalized patients to designate one volunteer lay care provider to be involved in discharge planning and to receive training on meeting some of the care needs of an individual after being discharged from the hospital back to the patient’s home. Passed HHC and HBEC, pending in HJC.
- **HB 388** Limit co-pays for physical rehab. Rep. Terry McMillan. This bill has the same provisions as SB 359, below. Passed HHC, pending in HBEC.
- **SB 359** Limit co-pays for physical rehab. Sen. Bill O’Neill. This bill would limit the amount of co-pay that health care insurers can impose for physical rehabilitation services to no more than either the co-pay required for a specialist visit, or 120% of the co-pay for seeing a primary care provider, whichever is lower. Passed the Senate; HBEC/HHC.
- **SB 517** Health care appeals and coverage pending appeal. Sen. Jacob Candelaria. This bill would require managed care organizations (MCOs) to provide an internal appeal procedure to contest an “adverse determination”, which is a termination, reduction or denial of coverage for a prescription medication or other health care service or benefit. The appeal would have to be resolved within 5 days. Until the appeal is decided, the MCO would be required to provide the benefit. Regardless of whether the appeal is resolved in favor of the consumer or not, the MCO could not charge anything more than the usual co-pay. Passed the Senate 41-0; awaiting House committee assignments.

Housing

- **HB 47** Homeless assistance. Rep. Tomas Salazar. This bill provides \$1 million to DFA for services and supports for homeless persons. A large percentage of homeless individuals are persons with mental illness. Same as SB 88. Passed HHC, pending in HAFC.
- **SB 87** Housing Trust Fund. Sen. Nancy Rodriguez. This bill would provide \$5 million to the Mortgage Finance Authority to expand housing opportunities under the Housing Trust Fund. Passed SCORC, pending in SFC.
- **SB 88** Homeless assistance. Sen. Nancy Rodriguez. Same as HB 47. Passed SPAC, pending in SFC.

Medicaid

- **HB 505** Medicaid coverage for former foster care children. Rep. Deborah Armstrong. This bill would require Medicaid to cover young adults who were formerly in foster care. See SB 139, below. Awaiting final House vote.
- **SB 42** Medicaid eligibility in jails and prisons. Sen. Jerry Ortiz y Pino. This bill would require HSD to help residents of jails and prisons apply for Medicaid if they are likely to qualify and are not already enrolled, and to maintain Medicaid eligibility for recipients who enter jail or prison, in order to facilitate the prompt delivery of Medicaid services once such persons are released. Medicaid cannot pay for medical services provided in jails or prisons, but residents of such facilities are still allowed by federal law to apply for and be found eligible for Medicaid; doing this before release would help to ensure that services are available without delay upon release from incarceration. Passed the Senate 35-1; passed HHC, pending in HJC.
- **SB 55** Medicaid due process. Sen. Mary Kay Papen. This bill establishes a definition of "credible allegation of fraud" as applied to Medicaid providers, and builds in due process protections for providers who may be accused of fraud. It clarifies that simple and inadvertent errors in billing do not constitute fraud. The bill is a response to HSD's actions in 2013, when 15 agencies had their funding halted and many went out of business without an opportunity to contest the allegations. Passed the Senate; HJC.
- **SB 139** Medicaid for former foster children. Sen. Michael Padilla. This bill would require the state to provide Medicaid up to age 26 for young adults who were formerly in foster care, regardless of which state they lived in while in foster care. Under the ACA, people who age out of foster care are eligible for Medicaid until they turn 26 – a parallel to the ACA rule allowing young adults to stay on their parents' insurance until that age – but HSD has chosen to provide such coverage only to young people who were in the New Mexico foster care system and not to those from other states. Same as HB 505, above. Passed SPAC, pending in SFC.
- **SB 320** Limiting emergency procurement of health care services. Sen. Jacob Candelaria. This bill would prohibit HSD from using a determination of alleged fraud as a rationale for bypassing the state Procurement Code requirements and hiring substitute health care providers, as the department did when replacing a number of mental health provider agencies in 2013. Passed SPAC; SJC/SFC.

Voting Rights

- **HB 61** Voter ID and other voting procedures. Rep. Jim Smith. This bill would require persons who vote in person to verify their identity. This could be done by providing one's birthdate and the last four digits of one's Social Security number, or by providing a government-issued photo ID or a federally issued or tribal ID for Native Americans. It also provides that in the future, if the data bases of the Motor Vehicle Division and the Secretary of State are shared, a voter's MVD driver's license photo could be used to verify identity. The bill would set a state standard for voter ID and prohibit more restrictive provisions by cities or counties. Passed HGEIC, pending in HJC.

- **HB 340** Photo ID requirement. Rep Cathrynn Brown. This bill would require that persons who vote in elections in person show a valid photo ID issued by the state or federal government, a Native American tribe, or a New Mexico educational institution. Free photo ID cards would be available from state Motor Vehicle offices. *DRNM believes that such a strict photo ID requirement could interfere with the voting rights of some eligible voters with disabilities who do not have photo IDs and who would experience difficulties and expense in getting to a MVD office to obtain one.* Although initially tabled in HGEIC, this bill has been resurrected and passed by both HGEIC and HJC; now awaiting final vote in the House.

Other

- **HB 29** Child abuse reporting. Rep. Brian Egolf. This bill would clarify that anyone who suspects child abuse is required to report the alleged abuse to the relevant authorities. The bill was prompted by a recent appeals court ruling that limited this requirement only to certain professionals such as doctors and teachers, but that ruling has now been overturned by the state Supreme Court. Passed the House; passed SPAC, pending in SJC.
- **HB 72** Tax credit for LTC insurance. Rep. Christine Trujillo. As amended, this bill would provide a partial income tax credit for persons with a private long-term care insurance policy. Passed HHC, tabled in HWMC.
- **HB 77** Accessibility license plates for transportation agencies. Rep. Paul Pacheco. This bill would allow agencies that regularly transport clients or other persons with disabilities to obtain distinctive license plates for vehicles they own that provide such transportation so that the vehicles could legally park in designated accessible (“handicap”) parking spaces. Passed the House 64-0; passed SCORC, pending in SPAC.
- **HB 276** Disabled veteran license plates. Rep. Jeff Steinborn. This bill would allow disabled veterans who qualify for more than one type of special automobile license plates to receive up to two such plates of their choice without an annual fee. Current law appears to provide for only one free plate. Same as SB 449, below. Passed the House; SCORC.
- **HB 464** Mobility impairment logo on other special license plates. Rep. Deborah Armstrong. This bill would require the Motor Vehicle Division to design a distinctive logo signifying a mobility impairment that could be added to another specialized license plate so that the combined special plate would be valid for parking in accessible parking places. An applicant for the combined special plate would have to meet the requirements for an accessible parking license plate. Passed HRPAC, pending in HWMC.
- **HB 476** Special needs child adoption tax credit. Rep. Alonzo Baldonado. This bill increases the annual tax credit available to those who adopt a special needs child from \$1,000 to \$1,500. Passed HGEIC, pending in HWMC.
- **HB 493** Court monitoring of guardianship arrangements. Rep. Sarah Maestas Barnes. Same as SB 36, below. Passed HJC, pending in HAFC.
- **HJR 7** Property tax exemption. Rep. Miguel Garcia. This is a proposed amendment to the state constitution that would exempt from property tax the residence of an individual who is “100% permanently disabled” and whose annual household income is no more than \$15,000. HGEIC/HWMC/HAFC.
- **HM 15** End the marriage penalty. Rep. Carl Trujillo. This memorial calls on the U.S. Congress to eliminate the “marriage penalty” for persons with disabilities who are on SSI. When two individuals on SSI get married, they are treated as a couple and their total benefits are reduced by 25% compared to their two individual benefits, and the amount of resources they are allowed to keep is also reduced by 25%. Addressing this problem will require Congressional action and the memorial calls on Congress to do so. Same as SM 3, below. **PASSED**

- **SB 36** Court monitoring of guardianship arrangements. Sen. Michael Padilla. This bill would provide \$245,000 to the 2nd judicial district court in Albuquerque to provide oversight of guardianship arrangements for elders and persons with disabilities. Same as HB 493, above. Passed SJC; pending in SFC. Although not specifically earmarked, it appears that the SFC version of HB 2 includes \$175,000 for this purpose.
- **SB 181** Funding for civil legal services. Sen. Nancy Rodriguez. This bill would provide an additional \$2 million for the Civil Legal Services Commission to provide more legal services to low-income New Mexicans. *DRNM is one of many non-profit agencies that receive CLSC funding.* Passed SJC, pending in SFC. The SFC version of HB 2 now includes an additional \$300,000 for this purpose.
- **SB 188** Regulation of youth wilderness programs. Sen. Sue Beffort. This bill would clarify that CYFD has jurisdiction to regulate and monitor wilderness programs for youth. The state’s authority to regulate these programs, which often serve young adults with behavioral issues, was challenged recently. Passed SPAC, pending in SJC.
- **SB 218** Free parking for disabled veterans. Sen. Bill Soules. This bill would provide that vehicles bearing a special license plate for veterans with 100% disability can be parked free in any parking facility owned by the state or by a city or county. Passed the Senate; HRPAC/HJC.
- **SB 233** Parity in worker’s compensation. Sen. Pat Woods. This bill would require the same level of benefit for temporary or permanent disability for a worker who develops a mental disability due to a work-related injury as one who develops or experiences a physical disability. Current law provides a lesser benefit for mental disability. Awaiting final Senate vote.
- **SB 248** Special assessment exemption for disabled veterans. Sen. Michael Sanchez. This bill would exempt a home occupied by a veteran with a 100% service-connected disability, or his/her surviving spouse if living in the home, from any special property tax assessment. Passed the Senate; awaiting House committee assignments.
- **SB 449** Disabled veteran license plates. Sen. William Burt. Same as HB 276, above. SPAC/SCORC.
- **SB 506** Disabled veteran property tax exemption. Sen. William Payne. This bill would provide that a disabled veteran who is entitled to a property tax exemption and sells his/her residence may choose either to claim the exemption for that year or transfer the exemption to another house purchased as the person’s residence. Awaiting final Senate vote.
- **SM 3** End the marriage penalty. Sen. Jerry Ortiz y Pino. Same as HM 15, above. Awaiting final Senate vote.

Contacting your Legislators

You can find out who your legislators are and get their contact information on the Legislature’s “Find Your Legislator” web page: http://www.nmlegis.gov/lcs/legislator_search.aspx.

To find your state representative from this web page, take these steps:

- Under the heading “House of Representatives”, click on the link to “Search by Name, District or Address”
- Click on the link “OR Search by Address” near the top of the page.
- Enter your complete address (street, city, state and zip code) in the box provided
- Click on the “Find District” button, and in a few moments you’ll see the name (and a picture) of your representative and the number of the House district. If you hit the “back” button or arrow to return to the previous screen, you can click on the picture of your representative to find the member’s address and other contact information.

To find your state senator, go to the same starting web page and choose the “Search by Name, District or Address” link for the Senate.

Each legislator has an office in the Capitol. To reach a legislator’s office during the session, call the Capitol switchboard at 986-4300 and ask for your legislator. We encourage you to bring the voice of the disability community to the Legislature!

Policy and Legislative Action Network (PLAN): Join your friends and colleagues in speaking out on issues of concern to people with disabilities and their families. Become part of the PLAN! We'll let you know when there are opportunities to speak out on bills in the Legislature and other key issues, and give you background info and talking points; you show the power of the disability community by following up with calls or emails to public officials. Sign up with DRNM's project coordinator, Katie Gordon, at KGordon@drnm.org.

ABBREVIATIONS USED IN THIS REPORT

Legislative Committees

HAFC	House Appropriations and Finance Committee
HAWC	House Agriculture, Water and Wildlife Committee
HEC	House Education Committee
HGEIC	House Government, Elections, and Indian Affairs Committee
HHC	House Health Committee
HJC	House Judiciary Committee
HRPAC	House Regulatory and Public Affairs Committee
HSCAC	House Safety and Civil Affairs Committee
HTPWC	House Transportation and Public Works Committee
HWMC	House Ways and Means Committee
SCORC	Senate Corporations Committee
SEC	Senate Education Committee
SFC	Senate Finance 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