

# THE DISABILITY COALITION

*Advocating for People with Disabilities of All Types*

## DISABILITY ISSUES IN THE 2021 LEGISLATURE FINAL REPORT

Jim Jackson, Coalition Chair

April 12, 2021

*See page 4 for a list of abbreviations used in this report*

**Governor completes action on bills passed by Legislature.** The deadline for the governor to act on these bills was this past Friday at noon. Of the 158 bills passed in this year's regular legislative session, Governor Lujan Grisham signed 140 of them into law. The other 18 (about 11%) were vetoed; 12 of those came with a message explaining the reason for the veto, while 6 others were "pocket" vetoed with no explanation.

As noted below, two of the disability-related bills passed in this session were vetoed, while the remaining 11 that we followed through the session were signed into law.

The percentage of bills vetoed this year was higher than in the first two years of this governor's term, but still below the average during the administration of the last Democratic governor (Bill Richardson) and far lower than the veto rate during Republican Susana Martinez's eight years in office.

### Disability-Related Bills That Passed the 2021 Legislative Session

#### Vetoed by the Governor

**SB 285** Emergency transport for MH evaluation. Sen. Jerry Ortiz y Pino and Sen. Daniel Ivey-Soto. Would have allowed an emergency medical technician (EMT) to transport an individual for an emergency mental health evaluation at the request of the individual or of a police officer in situations where the officer has authority under existing state law to detain and transport the individual. An amendment was added to ensure that the individual involved would not have to pay for this alternative transport. *Vetoed by the governor based on a conflict with existing state law dealing with the authority of EMTs in emergency situations.*

**SB 375** Officer training and certification. Sen. George Muñoz and Sen. Stuart Ingle. Would have added requirements for police officers and firefighters to receive training in racial sensitivity and dealing with persons with behavioral health issues, including crisis intervention, de-escalation techniques, and peer-to-peer interventions. *Vetoed by the governor based on her opposition to other parts of the bill, such as changes to the composition of the board of the law enforcement training academy.*



Advisory member

## Signed Into Law by the Governor

**HB 2** General Appropriations Act. Rep. Patty Lundstrom. This is the overall state budget bill, which provides funding to all state agencies. *The governor vetoed a few of the restrictions on the use of funds provided in the bill, and vetoed provisions calling for specific uses of federal stimulus funding – the governor believes that she, rather than the Legislature, has the authority to decide how to spend those funds. One of her vetoes allows DDS to retain all unspent funding at the end of the year for the DD waiver to carry over and use in the next year (the Legislature had allowed no more than \$10 million to be retained). None of the vetoes affected funding levels for disability services.*

**HB 4** Civil Rights Act. Rep. Georgene Louis. As amended, allows an individual to sue a state or local public agency, including a school district, if it deprives the individual of rights specified in the Bill of Rights section of the state constitution.

**HB 20** Paid sick leave. Rep. Christine Chandler. Requires most employers in New Mexico, by July 2022, to provide sick leave to their employees and allow the leave to be used for purposes including caring for a family member with a physical or mental illness or health condition.

**HB 47** End-of-life options. Rep. Debbie Armstrong. Authorizes an individual with a terminal illness who is expected to die within six months to obtain a prescription from a qualified health care provider that the individual could self-administer to bring about the person's death. For persons who have a current diagnosis or recent history of mental illness or intellectual disability, or appear to have such a disability, an evaluation would be required by a health care professional with appropriate expertise to determine if the person has capacity to provide voluntary, informed consent.

**HB 125** Behavioral health practice and oversight. Rep. Day Hochman-Vigil. Modifies some of the licensure requirements for psychologists and therapists, such as extending the period of temporary New Mexico licensure for those licensed in another state and practicing here during a health care emergency.

**HB 178** Counseling and therapy practice extension. Rep. D. Wonda Johnson. Extends the board that oversees these practitioners for another six years (to 2027) and makes a few technical changes to the current authorizing statute.

**HB 222** Special education ombud. Rep. Liz Thomson. Creates the Office of the Special Education Ombud within the DD Planning Council. The Ombud program is authorized to investigate and resolve problems experienced by parents and students in obtaining appropriate special education services, and assist in protecting the educational rights of students and parents. *There is \$250,000 in SB 377 (“HB 2 Junior”) for this new program.*

**HB 234** Guardianship reforms. Rep. Marian Matthews. The final version of this bill makes various changes to the Office of Guardianship at the DDPC; modifies various provisions of the Probate Code to emphasize least restrictive alternatives; and requires the Administrative Office of the Courts to review annual reports filed by guardians and the state auditor to review annual reports by conservators.

**HB 266** Special education licensure. Rep. Natalie Figueroa. This bill calls for what is essentially a brief apprenticeship program with a master teacher for persons who are seeking licensure as special education teachers but do not hold an education degree and pursue teaching through an “alternative” licensing pathway.

**HM 27** Parity pay task force. Rep. Rebecca Dow. Calls on the LFC to set up a task force to review the adequacy of rates paid to personal care and child care agencies as well as other providers that get most of their revenue from state contracts, and the impact on those contractors of increases in the state's minimum wage.

**SB 190** Revise DDPC provisions in NM law. Sen. Siah Correa Hemphill. Updates provisions of state law applying to the DDPC to align with current federal law provisions. These changes involve the membership of the Council and its duties.

**SB 317** Health care coverage and cost-sharing exemption for BH services. Sen. Martin Hickey. This bill prohibits, for a five-year period beginning January 2022, any co-pays or other consumer cost-sharing for mental health and substance abuse services under health insurance policies regulated by the state of New Mexico. It also imposes a surtax on health insurance premiums and uses some of the income from that tax to support a health care affordability fund that will be used to expand access to health care coverage for low-income New Mexicans.

**SB 377** General Appropriations Act II. Sen. George Munoz. This bill, typically referred to as "HB 2 Junior", provides one-time supplemental funding for a very wide range of state agencies and programs. The bill includes funding for several disability services, including \$250,000 for the special education ombud program created pursuant to HB 222.

### **A Reminder: Bills and Memorials That Did Not Pass**

*For more information on the bills below, see earlier legislative reports, which are available at <http://www.dnm.org/index.php?page=legislative-reports>.*

**HB 37** Paid sick leave. Rep. Angelica Rubio. *A similar bill, HB 20, passed and has been signed into law.*

**HB 38** Paid family and medical leave, jointly funded by employers and employees. Rep. Christine Chandler. *A bill taking a different approach to paid sick leave, HB 20 by the same sponsor, passed and has been signed into law.*

**HB 93** Limiting suspension/expulsion. Rep. Ray Lara.

**HB 94** Supported decision-making task force. Rep. Joanne Ferrary. *There is \$15,000 for this purpose in HB 2.*

**HB 110** Minimum wage changes. Rep. Patricia Roybal Caballero.

**HB 111** Housing discrimination issues. Rep. Andrea Romero.

**HB 116** Add more professionals to 3-tier licensure. Rep. Liz Thomson.

**HB 122** Health care affordability fund. Rep. Debbie Armstrong. *These provisions were incorporated into the final version of SB 317, which passed and has been signed into law.*

**HB 143** Crime victim interviews. Rep. Meredith Dixon.

**HB 151** BH consortium for planning. Rep. Karen Bash.

**HB 154** Prescription drug affordability board. Rep. Angelica Rubio.

**HB 174** Increase tax exemptions. Rep. Phelps Anderson.

**HB 192** Human Rights Act Amendments. Rep. Brittney Barreras.

**HB 202** Child welfare improvements. Rep. Meredith Dixon.

**HB 203** Health Security Act planning board. Rep. Debbie Armstrong.

**HB 210** A/SLP Interstate compact. Rep. Brittney Barreras.

**HB 213** Special ed fund for parent use. Rep. Candie Sweetser.

- HB 214** Repeal of subminimum wages. Rep. Joanne Ferrary.
- HB 215** BH screening, intervention and referral. Rep. Day Hochman-Vigil.
- HB 223** Voluntary MVD disability registry. Rep. Liz Thomson.
- HB 237** School for the Deaf and public schools. Rep. Antonio Maestas.
- HB 253** Confidentiality exception for research. Rep. Day Hochman-Vigil.
- HB 272** Easy enrollment for health coverage. Rep. Liz Thomson.
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- SB 9** Special Olympics. Sen. Peter Wirth.
- SB 33** Early detection of cerebral palsy. Sen. Greg Schmedes.
- SB 47** AT and home modifications. Sen. Jerry Ortiz y Pino.
- SB 60** Physical therapy interstate compact. Sen. Siah Correa Hemphill.
- SB 65** Brain injury study. Sen. Jerry Ortiz y Pino.
- SB 69** Crimes against children with disabilities. Sen. Linda Lopez.
- SB 109** Brain injury services. Sen. Jerry Ortiz y Pino.
- SB 119** Interstate compact on psychology. Sen. Jerry Ortiz y Pino.
- SB 128** Suicide prevention, response and treatment. Sen. Bill O’Neill.
- SB 189** Financial exploitation protections and penalties. Sen. Katy Duhigg.
- SB 191** BH consortium for planning. Sen. Linda Lopez. Similar to HB 151, above.
- SB 198** Paid sick leave. Sen. Linda Lopez. *A similar bill, HB 20, passed and has been signed into law.*
- SB 221** Criminal penalties for financial exploitation. Sen. Michael Padilla.
- SB 233** Student Bill of Rights. Sen. Linda Lopez.
- SB 289** Special Education Act. Sen. Linda Lopez.
- SB 299** Accessibility logo on specialty license plates. Sen. Mark Moores.
- SB 308** End-of-life options. Sen. Liz Stefanics. *Same as HB 47, which passed and has been signed into law.*
- SB 319** Seclusion/restraints in schools. Sen. Linda Lopez.
- SB 322** Zoning accommodations. Sen. Gregg Schmedes.
- SB 342** Pay increase pass-through. Sen. Liz Stefanics.
- SB 346** Special education ombud. Sen. Linda Lopez. *A similar bill, HB 222, passed and has been signed into law.*
- SB 354** Create VR Commission to replace DVR. Sen. Linda Lopez.
- SB 394** MVD fee waiver. Sen. Linda Lopez.
- SM 6** Long-term care task force. Sen. Carrie Hamblen.

#### **ABBREVIATIONS USED IN THIS REPORT**

A/SLP	Audiology & Speech/Language Pathology
AT	Assistive Technology
BH	Behavioral Health
DD	Developmental Disabilities
DDSD	Developmental Disabilities Supports Division (in Department of Health)
DVR	Division of Vocational Rehabilitation (in Public Education Department)
HB	House Bill
LFC	Legislative Finance Committee
MVD	Motor Vehicle Division (in Tax and Revenue Department)
SB	Senate Bill
VR	Vocational Rehabilitation