



## DISABILITY RIGHTS NEW MEXICO

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James Jackson, Executive Director

*Promoting and Protecting the Rights of Persons with Disabilities*

### DISABILITY ISSUES IN THE 2011 LEGISLATURE STATUS REPORT #8

March 14, 2011

By Jim Jackson, Executive Director  
DISABILITY RIGHTS NEW MEXICO

**The end is near!** This is the final week of this year's legislative session. Legislators will be scrambling to get their bills and memorials heard in final committees and debated on the floor before noon on Saturday, when the session ends. There have been many late night hearings already in the past week, with a few House committees meeting until after 2:00 a.m. to hear all the bills on their agendas.

**What about the budget?** The Senate Finance Committee has been reviewing the state budget bill, HB 2, since it came over from the House more than a week ago. The Committee had held hearings on most of the state agency budget requests early in the session, and then had to wait while the House revised its initial state budget based on negotiations with the governor's office. With only one week left in the session, the SFC has just this weekend taken action on its version of the budget. However, their report has not yet been accepted by the Senate so the latest version of the bill has not yet been released for review. It is not yet clear which agency appropriations will go up or down in the Senate, though it appears that the large cut to the low-income legal services program was reduced with the addition of \$300,000 in funding. As noted in earlier reports, the House version reduces state spending in most state agencies. It under-funds Medicaid by around \$75 million based on current projected budget needs, but this was an improvement over an earlier version due to a strong push for more funding by the governor.

**Down the home stretch.** The following bills have passed one chamber of the legislature, and are on their way through the other chamber. They are far enough along to have a good chance of passage, but the final outcome is still far from certain.

- HB 93, requiring training for police on interactions with persons with mental impairments, passed the House and SPAC, and is awaiting its final committee hearing in SJC.
- HB 172, to prohibit corporal punishment in public schools, passed the House and is scheduled for its final committee hearing in SEC today (Monday).
- HB 271, extending the authority of a guardian for up to a year after the death of a protected person, passed the House and is awaiting its final committee hearing in SJC.
- H 321, requiring public schools to track and report data on suspensions and expulsions of students, passed the House and is scheduled for its final committee hearing in SEC today (Monday).
- SB 38, to establish a health insurance exchange in New Mexico, passed the Senate and is awaiting hearing in its final committee, HAFC.

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- SB 297, which raises the annual cap on insurance coverage for FIT (early intervention) services from \$3,500 to \$10,000 for some insurance policies and eliminates the cap altogether for many other policies, passed the Senate and is scheduled for its final committee hearing in HJC today (Monday).
- SB 314, establishing a menu of best practice interventions for children with autism in the public schools, passed the Senate and is scheduled for hearing in HEC, its last committee hearing, on Wednesday.
- SB 417, to establish a clearinghouse and three prevention programs addressing Native American suicides, contingent on available funding, passed the Senate and awaits final action by the House.
- SB 438, requiring the state to provide safe houses for certain persons with mental illness, passed the Senate on Sunday and is awaiting House committee assignments.
- SB 418, limiting school referrals to law enforcement authorities for petty misconduct, awaits a final vote in the Senate, and would then have to get through the House.

**Recent memorials.** More memorials have been introduced that bring attention to issues of interest to the disability community. These include:

- HJM 50, a memorial by Rep. Mimi Stewart asking an interim legislative committee to look at the school-based Medicaid program and recommend ways to expand the program
- SJM 37, a memorial by Sen. Cindy Nava asking an interim legislative committee to work with the Public Education Department to review the coordination between early childhood programs and public school special education programs.
- SM 72, a memorial by Sen. Jerry Ortiz y Pino, requests HSD to convene a stakeholders group to review the Mi Via program and develop recommendations for expanding it and improving its administration.

### **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). Passed the House; still pending in SFC. 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**

\*Language in HB 2 directs the governor to find \$3 million in savings from the combined budgets of 13 state agencies, including ALTSD and GCD, so these amounts could be reduced by the governor.

\*\*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 expenditures due to changes in the film industry tax credit. This additional state money for Medicaid 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; held 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, held 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. Passed HCPAC, held 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. 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 and SPAC; awaiting final Senate vote .

**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 non-group policies. Passed the Senate and HHGAC, scheduled for hearing in HJC today (Monday).

**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, held 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 21 & HB 100** Mandatory retention of certain 3<sup>rd</sup> graders. The latest substitute for these bills would require that children who, upon completion of 3<sup>rd</sup> grade, do not meet reading proficiency standards would have to be retained and repeat 3<sup>rd</sup> grade rather than be promoted to 4<sup>th</sup> grade. A variety of remedial instruction would have to be provided to such students and to others at risk of retention. The bill exempts children in special education, for whom decisions about reading assessments and grade promotions are made by the IEP team. However, the bill is not as clear as it might be in requiring that children who are retained due to a reading deficiency be assessed for a possible disability and/or a need for special education services. Passed the House and SPAC; pending in SEC.

**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 the House, scheduled for hearing in SEC today (Monday).

**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. Passed the House, scheduled for final committee hearing in SEC today (Monday).

**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. Heard and tabled in HEC.

**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. SEC/SPAC. The bill is not moving forward.

**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 the Senate, and scheduled for hearing in HEC on Wednesday.

**SB 319** Prohibiting corporal punishment. Sen. Cindy Nava. This bill is identical to HB 172 and prohibits corporal punishment in public schools. Failed at first on a tie vote in the Senate, but is now back on the Senate agenda. Likely to be passed over in favor of a vote on HB 172.

**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 and failed to pass, so it remains there indefinitely.

**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 and SJC, awaiting final Senate vote.

**SJM 37** Early childhood/public school coordination. Sen. Cindy Nava. Asks the Legislative Education Study Committee to work with the Public Education Department to review the coordination between early childhood programs and public school special education programs. Passed SRC, awaiting final Senate vote.

#### 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; held in HTRC.

**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. Held in HHGAC.

**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. The bill does not move the DD waiver from the Department of Health at this time. Held in HHGAC.

**HB 189** Transfer ALTSD programs to HSD. Rep. Al Park. This bill would eliminate the Aging and Long Term Services Department and transfer all of its programs and personnel to the Human Services Department. Passed HCPAC, tabled in HHGAC.

**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. Heard and tabled in HHGAC.

**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, 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. SRC/SPAC/SFC. Held in SRC.

**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 and SPAC, pending in 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, held 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 the House and SPAC, pending in SFC.

**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. Pending in 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.

**HJM 50** School-based Medicaid. Rep. Mimi Stewart. This memorial asks an interim legislative committee to look at the school-based Medicaid program and recommend ways to expand the program. Passed the House, pending in SEC.

**SB 22** Health care provider protection. Sen. Jerry Ortiz y Pino. The substitute version of this bill establishes basic protections for health care providers in their relationships with managed care organizations, but no longer contains a provision for a health care ombudsman program. The ombudsman would be created in a separate bill, SB 497. Passed SCORC, pending in SJC with additional referral to 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 the Senate and HCPAC, pending in HAFC.

**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 originally included in SB 22 (above), but offered as a separate bill. Passed SPAC, pending in SJC with additional referral to 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. Passed SPAC, pending in SJC with additional referral to 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 and HCPAC, pending in 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 the House and SPAC, pending in SJC.

**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 both the House and the Senate.



**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. HHGAC/HJC. This bill was heard in HHGAC but is now inactive; the sponsor is addressing this issue through HM 45.

**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”. Individuals found to be mentally ill and dangerous a year after their initial commitment could be held indefinitely in a secure treatment facility. A person who is mentally ill and not dangerous could still be committed for at least a year. *DRNM opposes this draconian and punitive approach to persons with mental illness.* HHGAC/HJC. This bill was heard in HHGAC but is now inactive; the sponsor is addressing this issue through HM 45.

**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 development of a treatment plan when a treatment guardian is appointed. HHGAC/HJC. The bill was heard in HHGAC but is now inactive; the sponsor is addressing this issue through HM 45.

**HM 45** Mental health law study. Rep. Dennis Kintigh. This memorial calls on the Behavioral Health Purchasing Collaborative to convene a task force to study the issues raised in House Bills 497, 499 and 559 and to make recommendations to interim legislative committees. The task force would involve a wide variety of stakeholders in the mental health and criminal justice systems. Passed the House unanimously and is now final.

**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 and SPAC; awaiting final Senate vote.

**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. Passed the House, awaiting final Senate vote.

**SB 21** End managed care in behavioral health. Sen. Jerry Ortiz y Pino and Rep. Antonio Lujan. This bill deletes the current requirement that the Behavioral Health Purchasing Collaborative 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 and HHGAC, pending in HBIC.

**SB 417** Native American suicide prevention. Sen. Lynda Lovejoy. This bill originally appropriated \$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. As amended, it directs HSD to establish these programs contingent on available funding. Passed the Senate, awaiting final vote in the House.

**SB 438** Safe House Act. Sen. Jerry Ortiz y Pino. As amended, this bill requires HSD to establish behavioral health safe houses in urban and rural areas 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 appropriation in the bill, so funding for the houses would have to come from existing resources. Passed the Senate; House committee assignments pending.

**SB 450** Regional pilot programs. Sen. Mary Kay Papen. This bill, as amended, 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). Awaiting final Senate vote.

**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 sought 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 as amended would establish a sub-committee of an interim legislative committee 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. Passed SPAC, pending in 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. Passed SRC, pending in 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. Heard and tabled in HCPAC.

**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 the House, pending in SJC.

**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. Passed the Senate and HCPAC, pending in HJC.

**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. Heard and tabled in SPAC.

**SB 340** Permanent absentee ballot requests. Sen. Jerry Ortiz y Pino and Rep. James Smith. This bill would allow county clerks to maintain a list of voters who would automatically receive a request for an absentee ballot prior to each election. To get on such a list, the registered voter would have to be either over 65, blind, or have a physical disability. The request form would have to be completed, signed and sent in to the county clerk in order for the voter to receive the actual absentee ballot. Awaiting final Senate vote.

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 the Senate and HTPWC, pending in HJC.

**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. Awaiting final Senate vote.

**SB 416** Tax break for residential autism facilities. Sen. Clint Harden. This bill would exempt from gross receipts taxes some of the payments received by for-profit residential treatment programs for children with autism, such as Camelot. Passed SCORC, pending in SFC.

**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. Passed SCORC, pending in 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. The bill was heard and withdrawn in SPAC, but is likely to be the subject of review by an interim committee in the coming year.

**SM 72** Mi Via study group. Sen. Jerry Ortiz y Pino. This memorial asks HSD to convene a stakeholders group to review the Mi Via program and develop recommendations for expanding it and improving its administration. SRC.

## 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)
FIT	Family, Infant, Toddler program (early intervention services)