



## 2011 Regular Legislative Session Summary (*NMHA priority bills in italics*)

The 2011 session was extremely contentious in terms of the budgetary issues and even substantive legislation. While several of NMHA's priority bills were passed, there was an inordinate number of measures that were killed that would have had very damaging impacts on New Mexico's hospitals, such as tax increases, onerous reporting requirements and intrusions into administration and operations. (Transparency is one thing - dissection is yet another.) In the upcoming year NMHA will be faced with challenges to Medicaid shortfalls, sole community provider funding, ill-conceived reporting mandates and the roll-out of PPACA.

Bills SUPPORTED by NMHA and PASSED, awaiting action by the Governor

***HB 2 General Appropriations Act:*** *Appropriates funds for the operations of state government and Medicaid. Medicaid appropriation is \$ 3.5 billion for the upcoming fiscal year. Medicaid was the only program to not receive a cut in the 2011-12 budget. While shortfalls in the program are expected due to enrollment increases, no further provider cuts are anticipated although benefit and program reductions may be expected. Trauma funding was reduced by 1.3% in the DOH budget.*

**HB 34 Health Insurance Medical Home Requirements:** Requires managed care contracts to contain provisions for medical home programs.

***HB 53 NMFA Public Fund Projects Authorization:*** *Hospital projects for San Juan, Rebooth, Gila and Roosevelt.*

**HB 59 Unemployment Contribution Temporary Schedule:** Increases unemployment insurance payments to keep the fund solvent.

***HB 267/SB333 Amend Medical Malpractice Act:*** *Amends the medical malpractice act to recognize business entities as covered, increases cap to \$1 million and allows hospitals and potentially hospital employees under the fund.*

**HB 373 FIR's Required for Changes in Medicaid:** Requires HSD to submit fiscal impact reports to the legislative finance committee prior to making substantive changes to the Medicaid program.

**HB 558/SB 523 Industrial Revenue Bonds Notice:** Requires notification of taxing entities prior to the approval and issuance of IRB's.

**SB 14 Healthcare Workforce Data Collection:** *Directs the development of a comprehensive workforce data set for healthcare professions.*

**SB 41 Healthcare Student Intern Liability Coverage:** Provides tort coverage for healthcare students working in clinical settings.

**SB 101 Responses to Medical Board Subpoenas:** *Establishes guidelines and confidentiality provisions for provider responses to subpoenas from the state Medical board and protects peer review information.*

**SB 282 Tax Liability Credit for Certain Physicians:** Extends the rural physician tax credit to oncologists involved in cancer clinical trials.

**SB 373 Capital Outlay Reauthorization:** *Reauthorizes previous allocations for hospital projects at Miner's and Sierra Vista.*

**SB 505 Fire Fund Uses:** Expands the uses of the fire fund allocations to the support of Emergency Medical Services (EMS).

Bills OPPOSED by NMHA and PASSED
----------------------------------

None.

Bills NEUTRAL by NMHA and PASSED, awaiting action by the Governor
---

**HB 432 Behavioral Health Purchasing Pilot Project:** Authorizes a pilot project to allow regional purchasing cooperative to administer behavioral health program under Medicaid.

**SB 37 Prescription Drug Donations:** Allows for the donation of prescription drugs under certain controlled conditions.

**SB 38 NM Health Insurance Exchange Act:** Establishes a framework and prescribes powers and duties for a health insurance exchange in NM pursuant to federal law.

**SB 89 Private Insurance Purchasing Co-op Act:** Allows for entities to join together for the purpose of forming groups for the acquisition of insurance coverage.

**SB 175 Mental Health in Hospital Freedom of Choice:** Allows mental health patients to select hospitals of their choice under managed care.

**SB 208 Health Insurance Rate Review Procedures:** Establishes a revised process for health insurance rate reviews and approvals by the Department of Insurance and the Public Regulatory Commission.

**SB 232 Buprenorphine Treatment for Opioid Addiction:** Requires certain treatment be available and covered by Medicaid for heroin addiction treatment.

**SB 283 Reconstructive Surgery Option:** Would require patients undergoing mastectomy, lumpectomy or lymph node dissection to be informed prior to undergoing the procedure of reconstructive surgery options.

**SB 295 Healthcare provider Dependency Task Force:** Establishes a task force to evaluate and promulgate rules regarding drug testing and dependency issues for healthcare workers in state run institutions and programs.

**SB 377 Professional Psychologists Licensure Requirements:** Amends the NM licensure act to conform with nationwide standards for experience.

**SB 385 Orally Administered Anticancer Medications:** Requires that orally administered anticancer drugs be provided on a basis not less favorable than intravenously administered drugs.

**SB 450 Behavioral Health Purchasing Collaborative:** Would redesign the existing structure of the behavioral health purchasing cooperative to promote regionalization and a change in administrative control from the statewide BHO contractor to regional directives.

**SB 451 Drug Screening and Treatment for Certain Women:** Requires healthcare provider to: be trained on how to determine if pregnant or post partum women are using illegal substances, perform a substance abuse consultation by interview, self report or observation, advise of treatment and referral.

Bills SUPPORTED by NMHA and DID NOT PASS
--

**HB 94 Health Policy and Finance Department Act:** This bill would have reorganized the Health Policy Commission and moved Medicaid financing functions into a new Department.

**HB 103 Develop Statewide Nursing Program:** *This bill would have directed various entities to develop a statewide framework for nursing programs. (This process is already underway)*

**HB 190 Gross Receipts Deduction for Dialysis Facilities:** This bill provided a gross receipts tax deduction for dialysis facilities.

**HB 552 Hospital Liability Act:** *NMHA's medical malpractice provisions for hospitals.*

**HB 560 Healthcare Tax Credit:** Would have provided an income tax credit for all healthcare related expenses on premiums.

**SB 30 Rulemaking Requirements:** Imposes more stringent compliance with regulatory provision in terms of state agency rulemaking.

**SB 336 Certain Nurse EIB Licensure Exemptions:** Exempted advanced practice nurses and nurse midwives from licensure from the Environmental Improvement Board for use of ultrasound examinations.

**SB 380 Some Hospital Districts as Public Employers:** Allowed for hospital district employees to come under the public employee retirement system.

Bills OPPOSED by NMHA and DID NOT PASS
--

**HB 25 Reduce Property Tax Levy for Hospital Funding:** This bill would have removed the mill levy for UNMH.

**HB 124 Disclosure of Certain Information to Patients:** This bill mandated the disclosure of information on provider credentials to patients both verbally and by means of badges indicating credentialing data and employment status.

**HB 189 Merging Aging and Human Services Departments:** A reorganization of Human Services into the Aging Department.

**HB 223 Limit Hospital Charges for the Uninsured:** This bill would have set strict limits on the amount hospitals could charge for services to uninsured patients up to 500% of the federal poverty level.

**HB 335 Reduction in Mill Levy for County Hospitals:** Would have reduced the mill levy for UNMH to 4.5 mills and phased out after 2014.

**HB 493 Katie Faith Martinez Patients Bill of Rights:** provides for a litany of additional requirements for providers to comply with relative to disclosure of information to patients on credentialing, consent and numerous other points.

**HB 514 Report Improper Patient Care:** A new "whistleblower" provision providing protections for healthcare workers disclosing various concerns over patient services.

**HB 537 Anesthesiologist Assistant Supervision:** Provided for revisions in the supervisory requirements for AA's.

**HB 590 Increased Medical Malpractice Regulations:** Increases the cap to \$1.5 million and provides for new rights of action by patients.

**SB 5 Health Security Act (Single Payer):** Bill establishes a single payer healthcare delivery and management structure.

**SB 16 Pharmacy Benefits Manager Regulation Act:** would impose strict regulations governing the operation and oversight of pharmacy benefit management organizations.

**SB 117 Electronic Prior Prescription Authorization:** Requires all electronic prior authorizations for prescriptions.

**SB 383 Medical Harm Disclosure Act:** An extremely comprehensive bill requiring the public reporting of every possible action performed in a hospital setting that resulted in any level of harm to a patient. This is a Consumer Union promoted model bill.

**SB 541 Hospital Provider Fees Act:** Imposes a hospital provider tax similar to the Colorado act.

Bills NEUTRAL by NMHA and DID NOT PASS
--

**HB 99 Anesthesiologists and Assistant Licensure:** This bill would have modified the licensure and scope of practice for anesthesiologist assistants.

**HB 229 Parental Notice of Abortion Act:** Prevents an abortion on an unemancipated minor without prior parental notification.

**HB 257 LFC Perform Fiscal Impact Report on Healthcare Reform Designs:** Would require the Legislative Finance Committee to conduct extensive analysis of all proposed healthcare reform plans.

**HB 266 Scope of Practice Act:** Would have established a professional review commission and procedures to evaluate all revisions to existing scope of practice of all licensed healthcare providers.

**HB 305 Increase Penalties for Crimes Against Health Workers:** Would have extended the criminal penalties for crimes against hospital personnel to long term care facility workers.

**HB 334 Health Insurers to Not Discriminate Providers:** Would prohibit closed panels among insurers.

**HB 591 Required Coverage for Telemedicine Services:** Requires insurance coverage for various services provided via telemedicine methods.

**SB 15 Health Policy and Finance Department:** Consolidates Health Policy Commission and Medicaid.

**SB 22 Healthcare Provider Protection Act:** Regulates health insurance entities relative to provider relations and reimbursement.

**SB 162 Health Administration Finance Consolidation:** Reorganized all healthcare related financing entities under one organization.

**SB 206 Medical Assistance Services through Direct Contracts:** Allowed providers to directly contract with the state to provide Medicaid services eliminating the MCO's under Salud!.