

Linda Siegle • Resources for Change

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Nurse Practitioners (2018 Reg)

The session is early and many bills have yet to be introduced. I have listed some that maybe of interest. SB1 the Nurse Compact Bill has passed and been signed by the governor. A positive aspect of this session is the budget. We actually have almost \$300 million new funding to replace many of the cuts experienced over the last 2 years.

- Bill:** HB104
Sponsors: Garcia, Miguel (D14)
Title: EXPANDS RURAL HEALTH CARE PRACTITIONER TAX CREDIT
Summary: Allows all eligible health care practitioners to claim the maximum rural health care practitioner income tax credit of \$5,000 The credit is for providing health care services in a New Mexico rural underserved health care area.
Subjects: Health and Medical Practice; Taxation, Fees and Audits
Progress: 1st House: Referred to Committee
Status: 01/16/2018 – House Rules and Order of Business Committee
History: 01/16/2018—H Introduced and referred to House Rules & Order of Business.
- Bill:** HB122
Sponsors: Youngblood (R68)
Title: DUTY TO REPORT CHILD ABUSE: MEANS EVERYONE
Summary: (Related to SB87 2018) This bill amends the Duty to Report section in the Child Abuse and Neglect Section of the Children’s Code. It removes language that specifies individuals who are obligated to report a known or a reasonable suspicion that a child is an abused or neglected child. The list begins with “including”: a licensed physician, a resident or an intern examining, attending or treating a child, a law enforcement officer, a judge presiding during a proceeding, a registered nurse, a visiting nurse, a schoolteacher, a school officer, a social worker acting in an official capacity or a member of the clergy.
Subjects: Health and Medical Practice; Schools and Teachers; Courts and Civil Matters; Criminal Code; State Affairs and State Agencies; Family and Juveniles; Public Safety and Corrections
Related: 2018:SB87
Progress: Introduced
Status: 01/16/2018 – House Rules and Order of Business Committee
History: 01/16/2018—H Introduced and referred to House Rules & Order of Business.
- Bill:** HM9
Sponsors: Armstrong, D. (D17)
Title: EXPLORE MEDICAID BUY-IN PLAN FOR NEW MEXICANS
Summary: To resolve remaining issues with New Mexicans who have no or inadequate health insurance, proposes a study of offering residents an opportunity to buy into a health coverage plan administered by Medicaid by applying for a federal innovation waiver.
Subjects: Insurance; Health and Medical Practice; State Affairs and State Agencies; Interim Studies and Interim Committees; Legislature
Progress: Introduced
Status: 01/16/2018 – House Health and Human Services Committee
History: 01/16/2018—H Introduced and referred to House Health & Human Services.
- Bill:** HM12
Sponsors: Ruiloba (D12)
Title: CREATE OPIOID CRISIS SUBCOMMITTEE OF LHHSC
Summary: Requests that the Legislative Council create an Opioid Crisis Subcommittee of the Health and Human Services Committee to study the crisis and make recommendations for addressing it to the Legislature by December 1, 2018.
Subjects: Health and Medical Practice; Human Services; Family and Juveniles; Public Safety and Corrections; Interim Studies and Interim Committees; Legislature
Progress: Introduced

Status: 01/16/2018 – House Health and Human Services Committee
History: 01/16/2018—H Introduced and referred to House Health & Human Services.

Bill: **SB1**

Sponsors: Ingle (R27)

Title: NURSE LICENSURE COMPACT

Summary: (For the Legislative Health and Human Services Committee) A 38-page bill called the Nurse Licensure Compact whose provisions would apply to all licensed nurses who practice in the states or jurisdictions who become parties to the compact. The updated compact addresses the expanded mobility and new practice modalities in the nursing profession by providing for uniformity of nurse licensure requirements. Provides for exchange of information between party states; and provides opportunities for interstate practice by nurses who meet the uniform licensure requirements while still holding a nurse accountable for meeting practice laws in the home state.

Subjects: Labor; Health and Medical Practice; State Affairs and State Agencies

Progress: Governor

Status: 01/18/2018 – Signed by Officers of House

History: 01/16/2018—S Introduced and referred to Senate Committee on Committees.

01/16/2018—S Also referred to Senate Judiciary.

01/16/2018—S Reported germane by Senate Committee on Committees.

01/17/2018—S Reported Do Pass as amended by Senate Judiciary.

01/17/2018—S Opened for floor debate.

01/17/2018—S Floor amendments adopted (Amendment 1) (Sen. Gay Kernan) Voice Vote 34-6.

01/17/2018—S Passed 39-0.

01/17/2018—H Received in the House and referred to House Health & Human Services.

01/18/2018—H Reported Do Pass by House Health & Human Services.

01/18/2018—H Opened for floor debate.

01/18/2018—H Passed (68-0).

01/18/2018—S Enrolled and engrossed.

01/18/2018—S Signed by Officers of Senate.

01/18/2018—H Signed by Officers of House.

The Senate leadership decided on Monday night to send the bill to Senate Judiciary which was different from the original plan to just hear it on the Senate floor in a committee of the whole. NMNA held Capitol Challenge that day where 400 student nurses and nurses came. We had 60 RNs and RNs to be in the Senate Judiciary at 9am. The Senate leadership assured me that it was a slam dunk and would pass out quickly with no amendments. About 10 nurses testified (they limited the # for testimony) about how absolutely important passage was to patients, schools and facilities in the State. Some of the senators went ballistic about all the power that NM gives up to the Compact manager - concerns about cost, immunity for the organization, no ability to sue and on and on - which were some concerns that we all have had. HOWEVER All the nursing groups agreed NO amendment this session and we could deal with it in 2019. Well member of Judiciary did not care about the potential impact and put on a very weird amendment that said the BON had to adopt any rule into NM rules that the compact entity passed. The committee then passed it with only 2 votes against the amendment. The Senate democrats then had a 2 hour caucus where they argued about whether to pass it or not. The leadership prevailed. After 2 hours they came out and went to the floor where they debated in public sort of grand standing about whether to take the amendments off. The nurses were all in the gallery watching and listening.

The Governor sent a message saying pass it without amendments or I will veto and blame it on you all. Finally after the debate they took off the amendments and passed it 39-0. They sent it to the HOUSE.

The bill went to the House Health Committee and passed it out without questions. The next morning SB1 passed out of the House. The governor signed it late Thursday afternoon.

Another bill may be introduced that would not be contained in the compact, but instead in the nurse practice act to

address some of the Senates concerns. We will see what happens.

This debate has major adverse ramifications for an advance practice compact.

Bill: SB2
Sponsors: Papen (D38)
Title: MEDICAID MANAGED CARE & PROVIDER ACT
Summary: Provides for maintenance of Medicaid services pending determination of disputes regarding overpayments and allegations of fraud. Establishes due process for providers and subcontractors in such disputes. Provides for audits and prohibition of extrapolation of audit findings. Establishes provider rights to request an informal conference and expedited adjudicatory proceedings from an administrative law judge in the Department of Finance and Administration, pursuant to the Administrative Procedures Act. Provides for release of suspended payment on posting of a surety bond; judicial review of final determinations; and award of costs. Provides for criminal investigations and penalties for Medicaid fraud.
Subjects: Health and Medical Practice; Courts and Civil Matters; State Affairs and State Agencies; Criminal Code; Taxation, Fees and Audits
Progress: 1st House: Referred to Committee
Status: 01/16/2018 – Senate Committee on Committees
History: 01/16/2018—S Introduced and referred to Senate Committee on Committees.
01/16/2018—S Also referred to Senate Judiciary.
01/16/2018—S Also referred to Senate Finance.

Bill: SB29
Sponsors: Brandt (R40)
Title: OVERDOSE PREVENTION AND PAIN MANAGEMENT COUNCIL
Summary: Revises the name, structure and duties of the agency to the Overdose Prevention and Pain Management Advisory Council (currently called the Prescription Drug Misuse and Overdose Prevention and Pain Management Advisory Council); adds to members to the Council; and clarifies its duties.
Subjects: Health and Medical Practice; State Affairs and State Agencies
Progress: 1st House: Referred to Committee
Status: 01/16/2018 – Senate Committee on Committees
History: 01/16/2018—S Introduced and referred to Senate Committee on Committees.
01/16/2018—S Also referred to Senate Public Affairs.
01/16/2018—S Also referred to Senate Judiciary.

Bill: SB75
Sponsors: Ortiz y Pino (D12)
Title: CIVIL AND QUI TAM CASES: MEDICAID AND TAXPAYER FRAUD
Summary: (Almost identical to 2017 SB510, substitute version) Applies to civil and qui tam actions filed after July 1, 2018, that are brought by the Attorney General, the Human Services Department or a relator alleging false-claim violations of the Medicaid False Claims Act or the Fraud Against Taxpayers Act. The AG is given equal authority with HSD over documentary materials and standing to file a civil or qui tam action. The first half of the bill applies to Medicaid false claims and the second half to fraud against taxpayers; similar changes are contained in both acts.
Subjects: Courts and Civil Matters; Criminal Code; Health and Medical Practice; Human Services; State Affairs and State Agencies; Public Employees/Retirement
Progress: Introduced
Status: 01/18/2018 – Senate Committee on Committees
History: 01/18/2018—S Introduced and referred to Senate Committee on Committees.
01/18/2018—S Also referred to Senate Public Affairs.
01/18/2018—S Also referred to Senate Judiciary.

Bill: SM4
Sponsors: Ortiz y Pino (D12)
Title: UNM STUDY TO ESTABLISH MOVEMENT DISORDERS CENTER
Summary: Requests the UNM board of regents to establish a Movement Disorders Center to provide curriculum to train medical trainees in movement disorders and to provide treatment for those afflicted with movement disorders: Parkinson's disease, essential tremor and other tremor disorders, Tourette syndrome, Huntington's disease, dystonia, restless legs syndrome and ataxia.

Subjects: Health and Medical Practice; Higher Education; Interim Studies and Interim Committees
Progress: 1st House: Referred to Committee
Status: 01/16/2018 – Senate Rules Committee
History: 01/16/2018—S Introduced and referred to Senate Rules.
01/16/2018—S Also referred to Senate Public Affairs.

Bill: **SM12**
Sponsors: Stefanics (D39)
Title: Health Insurance Study
Summary: To resolve remaining issues with New Mexicans who have no or inadequate health insurance, proposes a study of offering residents an opportunity to buy into a health coverage plan administered by Medicaid by applying for a federal innovation waiver.
Subjects: State Affairs and State Agencies; Interim Studies and Interim Committees; Information Technology; Legislature
Progress: Proposed for introduction
Status: 01/16/2018 – Prefiled in the Senate