

Legislation Report

NMSHA

Sorted by: Date Updated

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HB 266 SPECIAL EDUCATION TEACHER LICENSES (Natalie Figueroa)

Position: Priority: Category:

Current Location: PASS

Referrals: HEC/HSEIC/SEC

[2] HEC/HSEIC-HEC [6] DP/a-HSEIC [9] DP [11] PASSED/H (50-15) [12] SEC-SEC [16] DP [20] PASSED/S (41-0)

Scheduled on - Date:2021-03-20 **Time:** 08:30 **Location:** Via Webcast

Updated on - Date:2021-03-20

Introduced on - Date:2021-02-09

[H 266 PDF](#) | [H 266 FIR](#)

Synopsis:

House Bill 266 (HB 266) changes the requirements for an alternative level one teaching license for special education teachers. HB 266 grandfathers current licensees.

Analysis:

House Bill 266 (HB 266) changes the requirements for an alternative level one teaching license for special education teachers. HB 266 grandfathers current licensees.

SECTION 1. Amends Section 22-10A-8 NMSA 1978 (being Laws 2003, Chapter 153, Section 39, as amended by Laws 2011, Chapter 36, Section 1 and by Laws 2011, Chapter 95, Section 2) ALTERNATIVE LEVEL ONE LICENSE to inserts a reference to and inserts Subsection B.

B. A person seeking an alternative level one special education license to teach students with disabilities shall be at least eighteen years of age and meet the educational and assessment requirements of Paragraphs (1) through (4) of Subsection A of this section, as applicable. In addition, the person shall serve a 15-week apprenticeship under a level three-A special education teacher while taking related and interwoven coursework at a post-secondary educational institution as specified in this section. Then the section is relettered.

Subsection D is amended to insert alternative level one special education teacher, as follows:

D. An alternative level one or alternative level one special education teacher shall participate in the same mentorship, evaluation and other professional development requirements as other level one teachers.

SECTION 2. SAVING CLAUSE is inserted to provide:

Persons holding alternative level one special education licenses on July 1, 2022 are not required to apply for a new license.

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2022.

Current Law:

House Bill 266 (HB 266) makes changes to Public School Section 22-10A-8 NMSA 1978 (being Laws 2003, Chapter 153, Section 39, as amended by Laws 2011, Chapter 36, Section 1 and by Laws 2011, Chapter 95, Section 2).

Amendments:

The House Education Committee (HEC) amends House Bill 266 as follows:

On page 3, line 5, after "level", insert "two or" which allows A person seeking an alternative level one special education license to teach students with disabilities to serve the required 15-week apprenticeship with either a live two or a level three-A special education teacher, creating more opportunities for apprenticeships.

SB 42 INCREASE ED RETIREMENT CONTRIBUTIONS (Mimi Stewart)

Position: Priority: Category:

Current Location: PASS

Referrals: SEC/SFC/HEC/HAFC

[1] SEC/SFC-SEC [3] DP-SFC [8] DP/a [9] PASSED/S (36-6) [7] HEC/HAFC-HEC [10] DP-HAFC [14] DP/a [17] PASSED/H (49-9) [20] s/cncrd

Scheduled on - Date: Time: Location:

Updated on - Date:2021-03-20

Introduced on - Date:2021-01-19

[S 42 PDF](#) | [S 42 FIR](#)

Synopsis:

This bill increases certain contributions to the Educational Retirement Fund, and repeals a section of law to correct a technical conflict.

Analysis:

This bill amends Section 22-11-21 NMSA 1978 by increasing certain contributions to the Educational Retirement Fund. Currently, each local administrative unit makes an annual contribution to the Fund of 14.15% of the member's annual salary. This bill removes this amount and replaces it with a tiered schedule: 15.15% from July 1, 2021 through June 30, 2022; 16.15% from July 1, 2022 through June 30, 2023; 17.15% from July 1, 2023 through June 30, 2024, and 18.15% on and after July 1, 2024.

The bill further amends Section 22-11-49 by increasing the amount of contribution that a qualifying state educational institution makes to an alternative retirement plan fund (??). Currently, the contribution amount is 3.25% of the annual salary of each participant. This bill removes that amount and replaces it with a tiered schedule: 4.25% from July 1, 2021 through June 30, 2022; 5.25% from July 1, 2022 through June 30, 2023; 6.25% from July 1, 2023 through June 30, 2024; and 7.25% on and after July 1, 2024.

This bill repeals Laws 2019, Chapter 237, Section 18, which is another, older version of Section 22-11-21 NMSA 1978.

This bill is effective July 1, 2021.

Amendments:

On March 15, 2021, the House Appropriations and Finance Committee amended SB 42a as follows:

- Removes the contribution schedule for members under Section 22-11-21, from July 1, 2023- June 30, 2024 (17.15%) and after July 1, 2024 (18.15%). Instead, after July 1, 2022, the rate is 16.15%.
- Removes the contribution schedule under the alternative retirement plan of Section 22-11-49, from July 1, 2023 – June 30, 2024 (6.25%) and after July 1, 2024, (7.25%). Instead, after July 1, 2022, the contribution rate is 5.25%.
- Inserts a temporary provision that before July 1, 2022, the ERB must report to the DFA, any other affected agency, and legislative committees on the Fund status and options to improve pension plan solvency without additional contributions from public employers.

On February 18, 2021, the Senate Finance Committee amended SB 42 by adding a new section that extends certain return-to-work provisions. The new section amends Section 22-11-25.1 NMSA 1978 by extending the date from January 1, 2022 to January 1, 2024 of certain return to work provisions.

The provisions involve when (1) a retired member who returns to work with a local administrative unit greater than 25% full-time, is required to have their retirement benefits suspended unless they did not work for at least one year after retirement; (2) a retired member who retired before 2021, has not suspended retirement and returns to employment with a local administrative unit is not required to suspended retirement benefits; and (3) a retired member who retired before 2021, who suspended retirement benefits is not required to suspend benefits if the member did not work for a local administrative unit for an additional 12 or more consecutive months after retirement.

SB 190 DEV DISABILITIES PLANNING COUNCIL (Siah Correa Hemphill)**Position:** Priority: Category:**Current Location:** PASS**Referrals:** SHPAC/SJC/HHHC*[3] SHPAC/SJC-SHPAC [6] DNP-CS/DP-SJC [14] DNP-CS/DP [16] fl/aa- PASSED/S (41-0) [14] HHHC-HHHC- DP [17] PASSED/H (66-2)***Scheduled on - Date:** Time: Location:**Updated on - Date:**2021-03-19**Introduced on - Date:**2021-01-31[S 190 PDF](#) | [S 190 FIR](#) [View SHPAC CS](#) [View SJC CS](#)**Synopsis:**

Relating to disability by modifying, repealing and enacting sections of the Developmental Disabilities Act to make changes to the Developmental Disabilities Planning Council membership, purpose and duties and renaming the Developmental Disabilities Planning Council as the Development Disabilities Council

Analysis:

SB 190 provides new language for the legislature to define the purpose of the Development Disabilities act to now, assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports and other forms of assistance that promote self-determination, independence, productivity and integration and inclusion in all facets of community life, through culturally competent programs. The Developmental Disabilities Act authorizes the Council to engage in advocacy, capacity building and systemic change activities that:(1) are consistent with the purpose describe in this section and the policy described in this section; and(2) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed comprehensive system that includes needed community services, individualized supports and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families. The reference to this section means Section 2 defining legislative purpose. New definitions provided for, comprehensive review and analysis, means the comprehensive review and analysis conducted pursuant to Subsection A of Section 28-16A-7 NMSA 1978, and, council, means the Developmental Disabilities Council.

Section 28-16A-7 means the 2013 New Mexico Statutes

Chapter 28 - Human Rights Article 16A - Developmental Disabilities

Section 28-16A-7 - Assessment of needs of persons with developmental disabilities. (1993).

The term, Planning, is now struck from the title of the Developmental Disabilities Council and will consist of twenty-five members. SB 191 now defines membership as members, comprising at least sixty percent of the council's membership, who are individuals with developmental disabilities or parents, immediate relatives or legal guardians of individuals with developmental disabilities; provided that none of these members shall be an employee, or someone who manages employees, of a state agency that receives funds to provide developmental disabilities supports and services.

Membership on the Council is expanded with the Secretary of the Ageing and Long-Term Services Department or their representative, and the Director of the Vocational Rehabilitation of the Public Education Department.

Membership will now also consist of the director of any entity within a state institution of higher education designated as a university center for excellence in developmental disabilities education, research and service; and representatives of local and nongovernmental agencies and private nonprofit groups concerned with services for individuals with developmental disabilities in New Mexico. The Governor shall make part of the membership and the Council shall be representative of the geographic areas of New Mexico.

The Council is to provide statewide advocacy, develop the five-year plan required by the federal government.

Eligibility for a child for services is provided at different age levels with some new modifications.

The Council is to provide comprehensive review and analysis of the extent to which services, supports another assistance are available to individuals with developmental disabilities and their families and the extent of unmet need for services, supports and all other assistance for those individuals and their families in the state. The results of such a comprehensive review are delineated in the bill.

Certain sections of the Act are repealed in SB 190.

Current Law:

The Developmental Disabilities Act

Amendments:

Floor Amendment (2.) to Senate Judiciary Committee Substitute for Senate Health and Public Affairs Committee Substitute for Senate Bill190

Under Section 5 relating to powers and duties of the Developmental Disabilities Council, the requirements that meeting are to be held by video conference. New language changes the wording from "via" to "with a". The sentence will now read: "(6) hold all council meetings with a video conference; and". Further after the word "conference" in this sentence. New language inserts the word "option". So, now this sentence will read: "(6) hold all council meetings with a video conference option; and".

Floor Amendment (1.) to Senate Judiciary Committee Substitute for Senate Health and Public Affairs Committee Substitute for Senate Bill190

A floor amendment was introduced in the Senate for SB 190cs/cs/a. Elements of the amendment pertain to striking in Section 3 Definitions the subparagraph J., and replacing with new language. The replacement subparagraph defines the meaning of "self-determination" and reads:

"(1) the ability and opportunity to:(a) communicate and make personal decisions;(b) communicate choices and exercise control over the type and intensity of services, supports and other assistance that an individual receives; and(c) participate in, and contribute to, an individual's community;(2) the authority to control resources to obtain needed services, supports and other assistance; and(3) support, including financial support, to advocate for oneself and others, develop leadership skills through training in self-advocacy, participate in coalitions, educate policymakers and play a role in the development of public policies that affect individuals with developmental disabilities; and"

In Section 4, dealing with creation, membership and terms for the Developmental Disabilities Council. New language replaces all of subparagraphs B,C, and D to now read: "B. The council shall consist of no fewer than twenty-five members, at least sixty percent of whom shall be:(1) individuals with developmental disabilities;(2) parents or legal guardians of children with developmental disabilities; or (3) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.

C. Of the sixty percent of members described in Subsection of this section, one-third shall be individuals with developmental disabilities, one-third shall be members described in Paragraphs (2) and (3) of Subsection B of this section and one-third shall be a combination of members described in Subsection B of this section. At least one member described in Subsection B of this section shall be an immediate relative or guardian of an individual who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution. No member of the council shall be an employee, or someone who manages employees, of a state agency that receives funds to provide developmental disabilities supports and services.

D. The council shall also include:(1) the secretary of health, or the secretary's designee;(2) the secretary of human services, or the secretary's designee; (3) the secretary of children, youth and families, or the secretary's designee;(4) the secretary of aging and long-term services, or the secretary's designee;(5) the secretary of public education, or the secretary's designee;(6) the director of the vocational rehabilitation division of the public education department, or the director's designee;(7) the director of the state protection and advocacy system established pursuant to the federal Developmental Disabilities Assistance and Bill of Rights Act of 1990, or the director's designee; (8) the director of an entity within a state institution of higher education designated as a university center for excellence in developmental disabilities education, research and service; and(9) at all times, representatives of local and nongovernmental agencies and private nonprofit groups concerned with services for individuals with developmental disabilities in New Mexico."

Also, in Section 4 regarding gubernatorial appointments, under subparagraph C, the language pertaining to appointments made by the Governor in certain paragraphs 1 and 10 are struck and replaced by "Subsection B, and paragraph (9) of Subsection D". Subsection B in the amended language contains an extensive list of members in the twenty-five-member council which the Governor would now be responsible for appointing.

The reference to paragraph 9 refers to members who represent local, non-governmental, nonprofit organizations concerned with individuals with developmental disabilities.

Committee Substitute:

Senate Judiciary Committee Substitute for Senate Health and Public Affairs Committee Substitute for Senate Bill190
Senate Bill 190cs/cs amends and enacts Sections of the Developmental Disabilities Act and makes changes to the Developmental Disabilities Planning Council membership, its authorization and duties. SB 190cs/cs also renames the Developmental Disabilities Planning Council as the Developmental Disabilities Council.

The Developmental Disability Act directs the Department to plan, develop and coordinate support and services to persons with developmental disabilities.

Definitions are provided in Section 3 of the Act with a new extensive definition for "self-determination" which means individuals with developmental disabilities who, with appropriate assistance, have: (1) the ability and opportunity to communicate and make personal decisions; (2) the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports and other assistance the individuals receive; (3) the authority to control resources to obtain needed services, supports and other assistance; (4) opportunities to participate in, and contribute to, their communities; and (5) support, including financial support, to advocate for themselves and others, to develop leadership skills through training in self-advocacy, to participate in coalitions, to educate policymakers and to play a role in the development of public policies that affect individuals with developmental disabilities

SB 190cs/cs creates the Developmental Disabilities Council where membership and their terms are defined. The Council is formed in accordance with the federal Developmental Disabilities Assistance and Bill of Rights Act. The Council will be an adjunct agency as defined in the Executive Reorganization Act with twenty-five members.

Various members of the Council are listed in SB 190cs/cs and stated as "(1) members, provided that no member shall be an employee, or

someone who manages employees, of a state agency that receives funds to provide developmental disabilities supports and services, comprising at least sixty percent of the council's membership, one-third of whom are individuals with developmental disabilities, one-third of whom are parents, immediate relatives or legal guardians of individuals with developmental disabilities and one-third of whom are a combination of individuals with developmental disabilities, parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves, including at least one individual who shall be: (a) the immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution; or (b) an individual with a developmental disability who resides or previously resided in an institution".

In addition, the Secretary of Health or designee, the Secretary of Human Services, the Secretary of Children Youth and Families, the Secretary of Ageing and Long-term Services, the Secretary of Public Education and the Director of the Vocational Rehabilitation Division of the Public Education Department, the Director of the State Protection and Advocacy System established under the federal Developmental Disabilities Assistance and Bill of Rights Act.

In addition, membership on the Council may include: a university representative that represents a center of excellence in developmental disabilities education research and service. Also, representatives of local and nongovernmental agencies and non-profit groups concerned with services for individuals with developmental disabilities. The Governor shall make membership appointments with recommendations solicited from organizations representing a broad range of the individuals with developmental disabilities.

The membership of the Council shall be geographically representative of the state and diversified with respect to race and ethnicity. The Council shall notify the Governor of vacancies and members shall recuse themselves of any discussion of grants or contracts for which agencies, departments or members are grantees.

Powers and duties of the Council will include the development of a five-year plan for council activities that is to be submitted to the federal government to include any amendments to the plan. All council meetings are to be held in video conference format.

The Council is authorized to: (1) award grants and enter into contracts to carry out its duties; (2) seek funding from sources other than the state; (3) create and support regional county or local advisory councils; and (4) provide training to persons with developmental disabilities, their families and providers of support and services through traineeships, sponsoring training opportunities and by other means determined appropriate by the council."

Section 6 of the Act defines eligibility for support services and includes which disability is attributable to mental or physical impairment including the result of trauma to the brain, or both physical and mental impairments, and is manifested before the person reaches twenty-one years, is expected to continue indefinitely, results in substantial functional limitations in three or more of the following areas of major life activity: (a) self-care; (b) receptive and expressive language; (c) learning; (d) mobility; (e) self-direction; (f) capacity for independent living; and (g) economic self-sufficiency.

Also, eligibility for support services includes that the person: reflects the person's need for a combination and sequence of special, interdisciplinary or generic care treatment or other support and services that are of life-long or extended duration and are individually planned and coordinated.

Other criteria are included in the original language of the Act.

A comprehensive review and analysis are required of the Council as to the extent to which services, supports, and other assistance are available to individuals with developmental disabilities. The review is to include the number of individuals with developmental disabilities in New Mexico, the range and degree of severity of the disabilities in New Mexico, and such other information and analysis required by federal law.

The Council shall repeat the comprehensive review and analysis and the summary of findings every five years and distribute those findings to relevant organizations.

Various agencies are to report to the Council on an annual basis, those Human Services Department, the Public Education Department, the Vocational Rehabilitation Division of the Public Education Department, the Children Youth and Families Department, the New Mexico School for the Blind and Visually Impaired, and the New Mexico School for the Deaf.

The agencies are to provide the number individuals served, the type of service, any major changes in policies during the previous year, and any gaps in eligibility or services that pose a barrier to the provision of services needed with developmental disabilities.

Information and referral services are provided in Section 9 of the Act. The Council is to coordinate information, and referral services, and eliminate duplication of effort. The Council is to provide such information and coordination for persons with disabilities, their families, providers of support and services and local and state agencies.

The Council is to hire an executive director to be the administrative officer of the Council. The Council is to submit annual reports to the Governor, and the Interim Legislative Health and Human Services Committee by November 1, of each year. The reports are to contain recommendations if any, for legislation or other appropriate action.

Compensation for the Council is limited to the Per Diem Act and the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000.

SB 190cs/cs provides authorization for the provision of support and services for persons with developmental disabilities. This provision is subject to the availability of appropriations provided for the purpose of such services. The Department of Health under this Section may: acquire, provide or coordinate support and services for persons with developmental disabilities, enter into contracts with providers, agencies, and individuals, establish advisory councils and task forces, and provide such support and services based on service plans developed by inter-disciplinary teams.

The Department shall also solicit involvement of consumers, providers, parents, professional organizations, and other governmental organizations.

Also, the Department shall convene a toddler inter-agency coordinating council and statewide adult support and service task force that shall

at a minimum address quality assurance.

The Department of Health is to develop a comprehensive multidisciplinary system for evaluating infants, toddlers, and pre-school age children suspected of have developmental delays. Diagnostic evaluations for infants and toddlers shall address family service needs and shall include training capabilities to educate community providers and parents in the understanding and application of the evaluations. This diagnostic evaluation system shall be jointly provided through a coordinated system by the Children's Medical Services Bureau of the Public Health Division or the Public Education Department.

An information and referral task force is to be created with in the Council to provide information via a "211" for access for health and human services. Various state agencies will participate including the Workforce Solutions Department. Other members of the task force will include members of the Governor's Commission on Disability, the New Mexico Commission for the Blind, the Commission for the Deaf and Hard of Hearing, and statewide organizations that raise money for health and human support services.

Within thirty days in which reporting is available, the Department will provide the Council with a report for each review that is available pursuant to independent reviews of intermediate care facilities for individuals with intellectual disabilities that are required by federal law.

SB 190cs makes modifications to the Development Disabilities Act by broadening the publics participation in its activities and purpose. A new subparagraph in Section 2 related to the legislative purpose for the Act that now states: "An additional purpose of the legislature in enacting the Developmental Disabilities Act is to ensure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports and other forms of assistance that promote self-determination, independence, productivity and integration and inclusion in all facets of community life, through culturally competent programs'. The Developmental Disabilities Act authorizes the council to engage in advocacy, capacity building and systemic change activities that:(1) are consistent with the purpose described in this section and the policy described in this section; and(2) contribute to a coordinated, consumer- and family-centered, consumer- and family-directed comprehensive system that includes needed community services, individualized supports and other forms of assistance that promote self-determination for individuals with developmental disabilities and their families".

New definitions are included in SB 190cs and found in Section 3, Definitions that now include: "self-determination" which means individuals with developmental disabilities who, with appropriate assistance, have:(1) the ability and opportunity to communicate and make personal decisions;(2) the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports and other assistance the individuals receive;(3) the authority to control resources to obtain needed services, supports and other assistance;(4) opportunities to participate in, and contribute to, their communities; and(5) support, including financial support, to advocate for themselves and others, to develop leadership skills through training in self-advocacy, to participate in coalitions, to educate policymakers and to play a role in the development of public policies that affect individuals with developmental disabilities".

The term, Planning, is now struck from the title of the Developmental Disabilities Council and will consist of twenty-five members. SB 191cs now defines membership as, comprising at least sixty percent of the council's, who are individuals with developmental disabilities or parents, immediate relatives or legal guardians of individuals with developmental disabilities; provided that none of these members shall be an employee, or someone who manages employees, of a state agency that receives funds to provide developmental disabilities supports and services.

Membership on the Council is expanded with the Secretary of the Ageing and Long-Term Services Department or their representative, and the Director of the Vocational Rehabilitation Division of the Public Education Department and the Secretary of the Public Education Department.

Membership may now also consist of the director of any entity within a state institution of higher education designated as a university center for excellence in developmental disabilities education, research and service; and representatives of local and nongovernmental agencies and private nonprofit groups concerned with services for individuals with developmental disabilities in New Mexico. The Governor shall make appointments for part of the membership including representative families and the developmentally disabled and at least one of the

following: the immediate relative or guardian of an individual with a developmental disability who resides or previously resided in an institution; or(b) an individual with a developmental disability who resides or previously resided in an institution. The Governor will also appoint representatives who represent individuals with developmental disabilities and those affected by developmental disabilities. The Governor shall provide for rotational membership on the Council and shall be notified of vacancies to be filled.

The Council shall be representative of the geographic areas of New Mexico.

The Council is to provide statewide advocacy, and develop a five-year plan required by the federal government.

Eligibility for a child for services is provided at different age levels with some new modifications.

The results of such a comprehensive review are delineated in the bill.

The Council shall develop a comprehensive review and analysis of the extent to which services, supports, and other assistance are available to individuals with developmental disabilities and their families and the extent of unmet need for services, supports and all other assistance for those individuals and their families in the state. The results of the comprehensive review and analysis shall include:(1) the number of individuals with developmental disabilities (2) the range and degree of severity of the disabilities of individuals with developmental disabilities in New Mexico; and 3) such other information and analysis required under federal law.

The comprehensive analysis is to be repeated every five years instead of two as was previously required. The analysis and a summary of findings is to be distributed and an annual report by various state agencies are to report to the Council their activities in community services to include the actual or estimated number of individuals with developmental disabilities served by the agency, the type of services provided, any major changes in policies adopted in the previous year or anticipated in the coming year that have had or are expected to have a beneficial or deleterious effect on persons with developmental disabilities and any gaps in eligibility or services that pose barrier to the provision of services needed by persons with developmental disabilities. Some of those agencies include the Department of Health, Human Services Department, the Public Education Department, the Children Youth and Families Department and the School for the Blind and Visually Handicapped.

Council members are to be reimbursed for expenses under the Mileage and Per Diem Act and the federal Developmental Disabilities Act and the Bill of Rights Act of 2000.

Under prior language a task force is to be developed under the Council and various agencies are to work on the development of a "211" telephone dialing system for information and referral. New agencies are added under SB 190cs, to include the Workforce Solutions Department, and the Ageing and Long-term Services Department.

A new Section is added (16) for the purpose of reporting by the Department of Health which states: "Within thirty days of the date on which reporting pursuant to each review is available, the Department shall provide the Council with each report issued pursuant to the independent reviews of intermediate care facilities for individuals with intellectual disabilities that are performed pursuant to the requirements of federal law."

HB 269 MEDICAL RECORD DISCLOSURE (Zachary J Cook)

Position: Priority: **Category:**

Current Location: PASS

Referrals: HHC/HJC/SHPAC

[2] HHC/HJC-HHC [9] DP/a-HJC [11] DP [12] PASSED/H (68-0) [14] SHPAC-SHPAC [16] DP - PASSED/S (37-2)

Scheduled on - Date: **Time:** **Location:**

Updated on - Date:2021-03-18

Introduced on - Date:2021-02-09

[H 269 PDF](#) | [H 269 FIR](#)

Synopsis:

House Bill 269 (HB269) Relating to medical records by allowing disclosures for treatment, payment, and other activities.

Relationship to Other Bills:

A parallel bill, SB 282 has been introduced in the Senate.

Analysis:

HB 269 makes modifications to the use and disclosure section for electronic health care information.

Language in the Act provides that when information is requested from an individual's electronic medical information by a record locator service or a health information exchange, they may do so under the proviso of a new Subparagraph listed below.

An additional subparagraph is added to Subparagraph G with a new Subparagraph 3, to state: "(3) to a provider, health care institution or health care group purchaser for treatment, payment or healthcare operation activities, in compliance with the federal Health Insurance Portability and Accountability Act of 1996 and the regulations promulgated pursuant to that act, and if applicable, in compliance with 42 U.S.C. Section 290dd-d and the regulations promulgated pursuant to that section."

Electronic Medical Records Act Section 24-14B-6 NMSA 1978 (being Laws 2009, Chapter 69, Section 6)

A parallel bill, SB 282 has been introduced in the Senate.

Current Law:

Electronic Medical Records Act Section 24-14B-6 NMSA 1978 (being Laws 2009, Chapter 69, Section 6)

Amendments:

The House Health and Human Services Committee provided a "do pass" for HB 269 as amended. Modifications in HB 269a consist of some relettering of federal law and a new definition of the term "health care operation activities".

The reference to federal law in Section 1, Subparagraph F, 3 is corrected to read "2 U.S.C. Section 290dd-2". An earlier reference read " 2 U.S.C. Section 290dd-d ".

In that same Section, a new Subparagraph H is added to read "H. For the purposes of this section, "health care operation activities" includes administrative, financial, legal and quality improvement activities of a covered entity that are necessary to conduct business and to support the core functions of treatment and payment and are limited to the activities listed in the definition of "health care operations" at 45 C.F.R. 164.501."

HB 269a has been referred to the House Judiciary Committee.

SB 303 CHANGE ED RETIREMENT BOARD MEMBERSHIP (Antoinette Sedillo-Lopez)

Position: Priority: Category:

Current Location: PASS

Referrals: SEC/SHPAC/HLVMC

[3] SEC/SHPAC-SEC [5] w/o rec-SHPAC [12] DP - PASSED/S (23-18) [11] HLVMC-HLVMC [12] DP [14] PASSED/H (43-26)

Scheduled on - Date: Time: Location:

Updated on - Date:2021-03-15

Introduced on - Date:2021-02-01

[S 303 PDF](#) | [S 303 FIR](#)

Synopsis:

Senate Bill 303 (SB 303) changes the membership of the New Mexico Educational Retirement Board.

Analysis:

Senate Bill 303 (SB 303) changes the membership of the New Mexico Educational Retirement Board (NMERB) by increasing the size by two, for a total of nine members.

One new member must be elected by the American Federation of Teachers New Mexico. The other new member is the secretary of Higher Education Department (HED) or designee who is a resident of the state, a HED employee, and has experience and knowledge germane to pensions or investment fund management.

SB 303 does not have an effective date. If passed and signed into law, the assumed effective date is 90 days after the end of the session, June 18.

SB 21 RETIREE HEALTH CARE ACT (Roberto "Bobby" Gonzales)

Position: Priority: Category:

Current Location: PASS

Referrals: SHPAC/SEC/HHHC/HSEIC

[1] SHPAC/SFC-SHPAC [3] DP/a-SFC [6] DP [9] PASSED/S (31-9) [7] HHHC/HSEIC-HHHC [9] DP-HSEIC [12] DP [14] PASSED/H (63-1)

Scheduled on - Date: Time: Location:

Updated on - Date:2021-03-14

Introduced on - Date:2021-01-19

[S 21 PDF](#) | [S 21 FIR](#)

Synopsis:

Senate Bill 21 (SB21) Relates to retiree health care by modifying certain definitions in the Retiree Healthy Care Act to conform to the Federal Patient Protection and Affordable Care Act. The Senate Bill also repeals provisions of law relating to discount prescription drug programs.

Analysis:

Senate Bill 21 (SB21) This bill makes changes to the definition of an eligible dependent, which means a person who obtains health care coverage base upon that person's relationship to an eligible retiree, one of which has been an unmarried person who has now been stricken. Also, age eligibility has been modified from nineteen to now read twenty-six.

Further, the paragraph describing student participation in an accredited educational institution and meeting certain age requirements has been stricken.

A reference to a child who is eligible due to mental retardation has been changed to intellectual disability.

Repeal of certain sections of the discount prescription drug law has been included. The effective date of this legislation would be July 1, 2021.

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Amendments:

The Senate Health and Public Affairs Committee recommends a do pass as amended for SB 21a. The heading on line 8 and 9 on page 11 will now state in a new Section: "SECTION 2. Section 10-7C-5 NMSA 1978 (being Laws 1990, Chapter 6, Section 5, as amended by Laws 2002, Chapter 75, Section 1 and by Laws 2002, Chapter 80, Section 1) is amended to read:

Amending language deletes a significant portion of Section 2 on page 11 and will now state: "10-7C-5. AUTHORITY CREATED. --[A.] There is created the "retiree health care authority", which is established to provide for comprehensive group health insurance programs under the Retiree Health Care Act.

The remainder of the paragraph is struck as well as paragraph B.

SB 21a is forwarded to the Senate Finance Committee.

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