

# Chiropractic PAC by Linda Siegle

2/1/2015

Week two of the 2015 Legislative Session ended with afternoon House committees cancelling bill hearings due to the snow storm. The Senate must have anticipated the storm because they went home on Thursday afternoon. The political environment is tense because of divided government with the House controlled by Republicans and the Senate controlled by Democrats. Each have a political strategy which may impede the movement of nonpartisan bills.

The House Appropriations Committee is meeting as usual to prepare HB2 (state budget). They hear presentations from each department of state government accepting the lowest recommendation in anticipation of the new consensus revenue projection due early in February. Word continues to be there will be little if any new money.

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## HB0122 SCOPE OF PRACTICE ACT

McMillan, Terry H.

Scheduled: in:

House Pre-filed Legislation [3] HHC/House Judiciary Committee-HHC

**Chiropracto** New Mexico Chiropractor

**Position:** Oppose

**Priority:** High

*This is a different twist on the bill from prior years. It requires the licensing board to first review then an interim committee.*

### Synopsis:

**House Bill 122 (HB 122)** provides for a process to evaluate proposed changes to the scope of practice act

### Analysis:

**House Bill 122 (HB 122)** creates a new act called the scope of practice act which provides for a process to evaluate proposed changes to the scope of practice of health professions.

Legislative committees or subcommittees will be assigned by the Legislative Council to review and make recommendations regarding proposed changes to the scope of practice.

HB122 allows a member or licensee of a licensing board to make written request to the respective board for a hearing concerning a proposed change. The board upon receipt of the request shall notify the Legislative Council, collect data, including information from the proponent, conduct a technical assessment with the assistance of a technical advisory group established for that purpose, provide its analysis, conclusion and any recommendations to the legislative council.

The Legislative Council shall assign a committee to review the proposed change of scope of practice. The committee shall also consider the analysis, conclusions, and recommendations of the licensing board. HB122 also requires the committee to ensure appropriate public notice of the committee's proceedings, invite testimony of persons with special knowledge of the field.

Assess the proposal using the criteria that includes potential harm or benefit to the health welfare and safety of the consumer, the impact on cost, the impact on access, and quality of health care. Finally, the committee will summarize its assessment, analysis, and recommendations in a final report to the legislature.

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## SB0021 COLLECTION & DISPOSAL OF UNUSED DRUGS

Padilla, Michael

Scheduled: in:

Senate Pre-filed Legislation [1] Senate Public Affairs Committee/Senate Judiciary Committee-Senate Public Affairs Committee

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**Chiropracto** New Mexico Chiropractor

**Synopsis:**

Senate Bill 21 (SB 21) creates a Dangerous Drug Take-Back Program, requiring each pharmacy in the state to collect and dispose of dangerous drugs

**Analysis:**

**Senate Bill 21 (SB 21)** requires each pharmacy in the state to collect dangerous drugs and provide for their safe disposal. The Board of Pharmacy will establish funding and have authority to impose reasonable fines to cover implementation of this legislation.

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**SB0022**

**DRUG OVERPRESCRIBING HOTLINE**

Padilla, Michael

**Scheduled:** in:

Senate Pre-filed Legislation [1] Senate Public Affairs Committee/Senate Judiciary Committee/Senate Finance Committee-Senate Public Affairs Committee

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**Synopsis:**

Senate Bill 22 (SB 22), proposes the enactment of a new section of the New Mexico Drug, Device and Cosmetics Act to require the Board of Pharmacy to establish and operate a hotline for reports of prescribing practices of controlled substances suspected to be excessive or otherwise in violation of established prescribing standards. SB 22 makes an appropriation to establish and maintain the hotline.

**Analysis:**

**Senate Bill 22 (SB 22)**, proposes to establish and operate a hotline for reports of prescribing practices of controlled substances suspected to be excessive, or otherwise in violation of, established prescribing standards. A new section of the New Mexico Drug, Device and Cosmetics Act of the seeks to establish a program to address the prescription of controlled substances that is suspected to be excessive or otherwise in violation of established prescribing standards

Section A proposes that prescribed standards be understood to include a twenty-four-hour telephonic hotline and publicly accessible internet web site to provide the public with a venue through which to report controlled substance prescribing practices that are suspected to be in excess of therapeutically indicated prescribing practices; as well as rules and procedures for investigation of such reports, and for working in conjunction with practitioner licensing boards to discipline practitioners for prescribing practices in violation of established standards."

Thus, in Section 2, SB 22 appropriates Two hundred fifty thousand dollars (\$250,000) from the General Fund to the Board of Pharmacy for expenditure in Fiscal Year 2016 to establish and operate an overprescribing hotline pursuant to Section 1 of this act for the recording and investigation of excessive prescribing of pain medication by medical practitioners. Any unexpended or unencumbered balance remaining at the end of Fiscal Year 2016 shall revert to the General Fund.

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**SB0190**

**DISCRIMINATION AGAINST HEALTH PROVIDERS**

Papen, Mary Kay

**Scheduled:** in:

Senate Pre-filed Legislation [3] Senate Public Affairs Committee/Senate Judiciary Committee-Senate Public Affairs Committee



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**Chiropracto** New Mexico Chiropractor

**Position:** Support

**Priority:** High

*This language tracks with the ACA.*

**Synopsis:**

Senate Bill 190 (SB190) enacts sections of the healthcare purchasing act and other statutes and laws of

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New Mexico. These include the New Mexico insurance code, the nonprofit health care plan law and the health maintenance organization law to provide that carriers may not discriminate against providers who work within their legal scope of practice

## Analysis:

**Senate Bill 190 (SB 190)** modifies multiple statutes to restrict carriers from providing care if the provider is duly licensed or certified. Hospitals may accept insured individuals even if they are not contracted with a carrier and carriers may not restrict hospitals from accepting insured as long as that hospital is licensed by the department of health. This section is referred to as hospital freedom of choice. SB190 does not define convalescent or nursing homes as hospitals.

Of other significance are the sections that modify various laws and statutes (listed above in the summary) that prohibit discrimination by carriers to providers who are acting within their scope of their license, certification or authority under the law. However, this is not a bill that allows any willing provider to contract with a carrier. Carrier may also make distinctions on reimbursement related to quality and performance measures.

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**SB0220**

## HMO CREDENTIALING REQUIREMENTS

Pirtle, Cliff R.

Scheduled: in:

[3] Senate Corporations Committee/Senate Judiciary Committee-Senate Corporations Committee

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## Synopsis:

**Senate Bill 220 (SB 220)** related to managed health care; amending and enacting sections of the health maintenance organization law to establish provider credentialing requirements and define "credentialing"; repealing a section of the New Mexico insurance code

## Analysis:

**Senate Bill 220 (SB 220)** modifies the health maintenance organization law with new definitions for credentialing and the credentialing process affecting carriers and providers. Also, the definitions for pharmacist including a clinical pharmacist are relocated for numbering purposes. The state superintendent of insurance is empowered and directed to develop a standardized credentialing application for medicaid plans in New Mexico.

Credentialing in SB220 means the process of obtaining and verifying information about a provider and evaluation of that provider when that provider seeks to become a participating provider.

The original definitions for pharmacist and pharmacist clinician are stricken for number purposes and reinserted for that same purpose. Pharmacist is a person licensed as a pharmacist pursuant to the Pharmacy Act and a pharmacist clinician means a pharmacist who exercises prescriptive authority pursuant to the Pharmacist Prescriptive Authority Act.

A new section referencing Medicaid credentialing and setting deadlines is provided in SB 220. This new section requires the superintendent to adopt a uniform credentialing process, the rules of which shall adopt a single credentialing application form for the credentialing of providers. A carrier shall not require a provider to submit information not required in the uniform credentialing application. Recredentialing shall be held to the same standard.

Initial credentialing shall not be required more than every three years. The carrier shall complete its review in forty five days and notify the provider within ten days of receipt of the application if it is incomplete in writing with an identifiable contact person.

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A carrier shall reimburse a provider for covered health care services, in accordance with the provider's contracted reimbursement rate, for any claims from the provider that the carrier receives more than forty-five calendar days after the date on which the carrier received a credentialing application for that provider; provided that the provider has submitted a credentialing application and any supporting documentation that the carrier has requested in writing within the time frame established earlier in this section.

Also, if the carrier has failed to approve or deny the applicant's credentialing application within the time frame established in SB220, and the provider has no past or current license sanctions or limitations, as reported by the New Mexico medical board or another pertinent licensing and regulatory agency, or by a similar out-of-state licensing and regulatory entity for a provider licensed in another state.

A dispute regarding credentialing or recredentialing shall be governed by statute (Section 59A-46-11. SB 220 repeals section 59A-2-9.5 NMSA 1978. This repealed section has to do with the superintendent's establishment of licensing and credentialing rules following certain national standards.

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## SB0318 SUNSET DATES FOR CERTAIN AGENCIES

Cisneros, Carlos R.

Scheduled: in:

[3] Senate Public Affairs Committee/Senate Finance Committee-Senate Public Affairs Committee

**Chiropracto** New Mexico Chiropractor

### Synopsis:

**Senate Bill 318 (SB 318)** extends the dates certain state commissions and boards and their authorizing acts will terminate and be repealed pursuant to the Sunset Act.

### Analysis:

**Senate Bill 318 (SB 318)** extends the dates certain state commissions and boards will terminate and the actual dates they will cease to operate pursuant to the Sunset Act. The Bill also states that the Acts which authorized these boards will be repealed on the same day as the boards cease to operate.

Office of Military Base Planning and Support and the Military Base Planning Commission:

Terminate: July 1, 2021; Operate until: July 1, 2022. Also, effective July 1, 2022, Sections 9-15-48 through 9-15-51 NMSA 1978 are repealed.

Board of Optometry: Terminate: July 1, 2023; Operate until: July 1, 2024. Also, effective July 1 2024, the Optometry Act is repealed.

Chiropractic Board: Terminate: July 1, 2021; Operate until: July 1, 2022. Also, effective July 1, 2022, the Chiropractic Physician Practice Act is repealed.

New Mexico Board of Dental Health Care: Terminate: July 1, 2023; Operate until: July 1, 2024. Also, effective July 1, 2024, the Dental Health Care Act and the Impaired Dentists and Dental Hygienists Act are repealed.

Nutrition and Dietetics Practice Board: Terminate: July 1, 2021; Operate until July 1, 2022. Also, effective July 1, 2022, the Nutrition and Dietetics Practice Act is repealed.

Board of Podiatry: Terminate: July 1, 2023; Operate until July 1, 2024; Also, effective July 1, 2024, the Podiatry Act is repealed.

New Mexico State Board of Psychologist Examiners: Terminate: July 1, 2021; Operate until July 1, 2022. Also, effective July 1, 2022, Professional Psychologist Act is repealed.

Board of Pharmacy: Terminate: July 1, 2023; Operate until: July 1, 2024. Also, July 1, 2024, the Pharmacy

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Act is repealed.

Speech-language Pathology, Audiology and Hearing Aid Dispensing Practices Board : Terminate: July 1, 2021; Operate until: July 1, 2022. Also, effective July 1, 2022, the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Act is repealed.

Board of Social Work Examiners: Terminate: July 1, 2021; Operate until: July 1, 2022. Also, effective July 1, 2022, the Social Work Practice Act is repealed.

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## SB0359 PHYSICAL REHAB COST SHARING LIMITS

O'Neill, Bill B.

Scheduled: in:

[3] Senate Public Affairs Committee/Senate Finance Committee-Senate Public Affairs Committee

**Chiropracto** New Mexico Chiropractor

**Position:** Support

**Priority:** High

### Synopsis:

RELATING TO HEALTH COVERAGE; ENACTING SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE NEW MEXICO INSURANCE CODE, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NONPROFIT HEALTH CARE PLAN LAW TO ESTABLISH LIMITS ON COST SHARING FOR PHYSICAL REHABILITATION SERVICES.

### Analysis:

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## SB0367 OPTOMETRIST PRESCRIBING POWERS

Sanchez, Michael S.

Scheduled: in:

[3] Senate Public Affairs Committee/Senate Judiciary Committee-Senate Public Affairs Committee

**Chiropracto** New Mexico Chiropractor

**Priority:** watch

### Synopsis:

RELATING TO PROFESSIONAL LICENSURE; AMENDING AND REPEALING SECTIONS OF THE OPTOMETRY ACT TO MAKE CHANGES TO BOARD POWERS AND TO PROVIDE OPTOMETRISTS WITH GREATER PRESCRIBING POWERS; AMENDING A SECTION OF THE NEW MEXICO DRUG, DEVICE AND COSMETIC ACT TO INCLUDE OPTOMETRISTS AS PRESCRIBING PRACTITIONERS.

### Analysis:

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## SB0376 CHIROPRACTIC MEDICINE & ADVANCE PRACTICE

McSorley, Cisco

Scheduled: in:

[3] Senate Public Affairs Committee/Senate Judiciary Committee-Senate Public Affairs Committee

**Chiropracto** New Mexico Chiropractor

### Synopsis:

RELATING TO PROFESSIONAL LICENSURE; AMENDING AND ENACTING SECTIONS OF THE CHIROPRACTIC PHYSICIAN PRACTICE ACT TO PROVIDE FOR CERTIFICATION OF ADVANCED PRACTICE CHIROPRACTIC PHYSICIANS AND TO DEFINE "CHIROPRACTIC MEDICINE".

### Analysis: