LFC Requester:	

AGENCY BILL ANALYSIS
2017 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original X **Amendment** ____
Correction ___ **Substitute** ____

Date 1-26-17
Bill No: SB187

Sponsor: Mary Kay Papen
Short Title: Protection of Vulnerable Adults

Agency Code: 264
Person Writing Gail MacQuesten
Phone: 466-0532 **Email** gailmacquesten@gmail.com

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
0	0	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
0	**0**	**0**	n/a	n/a

(Parenthesis ( ) Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Minimal	Minimal	Minimal	Minimal	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB85
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:
SB187 amends and enacts new sections to the Public Health Act, the Adult Protective Services Act, the Long-Term Care Ombudsman Act and the Medicaid Fraud Act to address "board and care facilities."

A board and care facility is defined in SB187 to be a residential establishment that receives payment from or on behalf of two or more adults who reside in such facility and who are unrelated to the owner or operator of such facility, and that provides personal care services and may assist residents with one or more activities of daily living.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

The significant fiscal impact of SB187 will fall on the agencies that administer the amended Acts. According to existing statutes, the district attorneys and the office of the attorney general share responsibility for criminal enforcement of the Medicaid Fraud Act. See NMSA 1978, Section 30-44-3(A). And the district attorneys, the attorney general, and the human services department share responsibility for civil enforcement of the Medicaid Fraud Act. See NMSA 1978, Section 30-44-3(B). However, most cases are handled by the attorney general's office through the Medicaid fraud and elder abuse division. To the extent Sb187 expands the scope of the Medicaid Fraud Act to cover a new type of facility, the attorney general's office will have more cases to investigate and litigate, and will have increased costs. Unless cases come to the district attorneys, there will be no fiscal implications for the district attorneys.

SIGNIFICANT ISSUES

There are no significant issues for the district attorneys.

PERFORMANCE IMPLICATIONS

There are no significant performance implications for the district attorneys.

ADMINISTRATIVE IMPLICATIONS

There are no significant administrative implications for the district attorneys.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB85 is the House version of this bill.

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

None proposed.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Board and care facilities will not be covered under the Public Health Act, the Adult Protective Services Act, the Long-Term Care Ombudsman Act and the Medicaid Fraud Act.

AMENDMENTS

None proposed.