

LFC Requester:	Kelly Klundt
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**AGENCY BILL ANALYSIS
2021 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 **Amendment** _____
Correction _____ **Substitute** _____

Date 2/3/2021
Bill No: SB 152

Sponsor: Sen. Bill Tallman
Short Continuing Care Aging
Title: Contracts

Agency Name and Code 305–Office of the Attorney General
Number: _____
Person Writing Joseph Martinez, AAG
Phone: 505.220.9760 **Email** jmmartinez@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General Opinion nor an Attorney General Advisory Letter. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the Office of the Attorney General.

BILL SUMMARY

Synopsis:

Senate Bill 152 proposes changes to the Continuing Care Act NMSA 1978, Section 27-17-1 to -18 (1985, as amended).

Section 1 subsection B(11) is amended so that the required actuarial analysis for type A and type B agreements be *comprehensive*.

Section 2 is amended to require that providers include in their community care contract a provision that describes the community’s plan for resident relocation upon closure or circumstances that necessitate relocation.

Section 3 is amended to require that the provider shall submit a copy of the disclosure statement to the Aging and Long-Term Services Department (ALTSD) no later than July 1, 2022 and each year thereafter, within one hundred eighty days after the end of a community’s fiscal year.

Section 4 is amended to require that ALTSD review disclosure statements filed pursuant to the Continuing Care Act for compliance with the act. Subsection D is amended to give ALTSD 30 days to schedule a conference after notice of a violation of the act.

Sections 6 is amended to allow any person to report violations of the Act to the Office of the Attorney General “OAG” or ALTSD. Should a violation be reported to the OAG, the OAG shall review the allegation and upon a credible allegation, file an appropriate action in a court of competent jurisdiction.

FISCAL IMPLICATIONS

None to this office.

SIGNIFICANT ISSUES

None noted.

PERFORMANCE IMPLICATIONS

This bill would require more investigative action from the OAG, and upon receipt of credible allegations, additional legal action.

ADMINISTRATIVE IMPLICATIONS

See above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to SB 189 Financial Exploitation Act; and
SM 6 Long-Term Care Task Force

TECHNICAL ISSUES

Under Section 1 subsection B(11), there is no defining what a *comprehensive* actuarial analysis would look like.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A