THINK NEW MEXICO

A Results-Oriented Think Tank Serving New Mexicans



2024-2025 ANNUAL REPORT

About the Cover

The cover photograph shows Doctor Onstine examining a small child in January 1943 at the Questa clinic operated by the Taos County cooperative health association. The photo was taken by John Collier, Jr. (1913–1992). Collier grew up primarily in Taos, and was hired by the Farm Security Administration during the New Deal to document the lives of northern New Mexico communities. Photo courtesy the Library of Congress, Farm Security Administration-Office of War Information photograph collection (ID number LC-USW3-017924-C).

About Think New Mexico

Think New Mexico is a results-oriented think tank whose mission is to improve the lives of all New Mexicans, especially those who lack a strong voice in the political process. We fulfill this mission by educating the public, the media, and policymakers about some of the most serious challenges facing New Mexico and by developing and advocating for enduring, effective, evidence-based solutions.

Our approach is to perform and publish sound, nonpartisan, independent research. Unlike many think tanks, Think New Mexico does not subscribe to any particular ideology. Instead, because New Mexico is at or near the bottom of so many national rankings, our focus is on promoting workable solutions that will lift all New Mexicans up.

Consistent with our nonpartisan approach, Think New Mexico's board is composed of Democrats, Independents, and Republicans. They are statesmen and stateswomen who have no agenda other than to help New Mexico succeed. They are also the brain trust of this think tank. The board is profiled on pages 2-3 of this report.

Design:

Kristina G. Fisher

Design Consultant:

Arlyn Nathan

Production Manager:

Susan Martin

Pre-Press:

Peter Ellzev

Logo Design:

Miriam Hill

Map:

Omar Solis

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505 Don Gaspar Ave. Santa Fe, New Mexico 87505

Telephone 505 992.1315

Fax 505 992.1314

Email info@thinknewmexico.org

Web www.thinknewmexico.org

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Think New Mexico's Results

As a results-oriented think tank serving New Mexicans, Think New Mexico measures its success based on changes in law or policy we help to achieve and that improve the lives of all New Mexicans.

Our results include, among others:

- Making full-day kindergarten accessible to every child in New Mexico
- Repealing the state's regressive tax on food and successfully defeating attempts to reimpose it
- Creating a Strategic Water Reserve to protect and restore New Mexico's rivers
- Redirecting millions of dollars a year out of the state lottery's excessive operating costs and into college scholarships
- Reforming title insurance to reduce closing costs for homebuyers and homeowners who refinance their mortgages
- Winning passage of three constitutional amendments to streamline and professionalize the state Public Regulation Commission
- Establishing a user-friendly health care transparency website where New Mexicans can find the cost and quality of common medical procedures at any hospital in the state
- Enacting the Work and Save Act to make state-sponsored Individual Retirement Accounts accessible to New Mexicans who lack access to retirement savings through their jobs
- Making the state's infrastructure spending transparent by revealing the legislative sponsors of every capital project
- Leading a campaign to make financial literacy a high school graduation requirement, now in place in 46 districts reaching nearly 48% of New Mexico students
- Ending predatory lending by reducing the maximum annual interest rate on small loans from 175% to 36%
- Repealing the tax on Social Security for middle and lower income New Mexicans
- Enhancing the training and transparency of local school boards
- · Creating a \$2 billion permanent trust fund for Medicaid

A comprehensive list of our results can be found on our website.

IMAGE

Summer Storm Over the Painted Kiva Photo by Alex Candelaria Sedillos

1 Think New Mexico

Think New Mexico's Board of Directors

Phelps Anderson served four terms in the New Mexico House, 1977–1980 and 2019–2022. A businessman from Roswell, Phelps has worked in industries ranging from ranching to restaurant management, and he is the president of SunValley Energy Corp. Phelps chaired the Interstate Stream Commission and serves on the board of regents of the New Mexico Military Institute.



Clara Apodaca, a native of Las Cruces, was First Lady of New Mexico from 1975 – 1979. She served as New Mexico's Secretary of Cultural Affairs under Governors Toney Anaya and Garrey Carruthers and as senior advisor to the U.S. Department of the Treasury. Clara is the former President and CEO of the National Hispanic Cultural Center Foundation.



Jacqueline Baca has been President of Bueno Foods since 1986. Jackie was a founding board member of Accion and has served on the boards of the Albuquerque Hispano Chamber of Commerce, the New Mexico Family Business Alliance, and WESST. In 2019, she was appointed to the Federal Reserve Bank of Kansas City's Denver Branch Board of Directors.



Paul Bardacke served as Attorney General of New Mexico from 1983 –1986. He is a Fellow in the American College of Trial Lawyers, and he handled complex commercial litigation and mediation with the firm of Bardacke Allison. Paul was a member of the National Park System Advisory Board during the Obama administration.



Notah Begay III (Navajo/San Felipe/Isleta Pueblo) is the only full-blooded Native American to have played on the PGA Tour, where he won four tournaments. He now works with Native communities to develop world-class golf properties. Notah founded The Notah Begay III Foundation (NB3F), which works to reduce obesity and diabetes among Native American youth.



Garrey Carruthers served as Governor of New Mexico from 1987–1990 and as Chancellor of the system and President of New Mexico State University from 2013–2018. In between he was Dean of the College of Business at NMSU and President and CEO of Cimarron Health Plan. Garrey was instrumental in establishing the Arrowhead Center for economic development in Las Cruces.





LaDonna Harris is the Founder and Chair of the Board of Americans for Indian Opportunity. She is also a founder of the National Women's Political Caucus. LaDonna was a leader in the effort to return the Taos Blue Lake to Taos Pueblo. She is an enrolled member of the Comanche Nation.



Edward Lujan is a 19th generation New Mexican and the former CEO of Manuel Lujan Agencies, the largest privately owned insurance agency in New Mexico. Ed is also a former Chairman of the Republican Party of New Mexico, the New Mexico Economic Development Commission, and the National Hispanic Cultural Center of New Mexico, where he is now Chair Emeritus.



Liddie Martinez is a native of Española whose family has lived in northern New Mexico since the 1600s. She is the Market President-Los Alamos for Enterprise Bank and Trust and a past Board Chair of the Los Alamos National Laboratory Foundation. She also farms the Rancho Faisan. Liddie served on Governor Michelle Lujan Grisham's Economic Recovery Council.



Judith K. Nakamura was a member of the New Mexico judiciary from 1998–2020. She was appointed to the New Mexico Supreme Court in 2015, and in 2017, she became only the fourth woman to serve as Chief Justice in the Court's 108-year history. Judy is an avid hot air balloon pilot and she served on the board of the Albuquerque International Balloon Fiesta.



Fred Nathan, Jr. founded Think New Mexico and is its Executive Director. Fred served as Special Counsel to New Mexico Attorney General Tom Udall from 1991–1998. In that capacity, he was the architect of several successful legislative initiatives and was in charge of New Mexico's lawsuit against the tobacco industry, which resulted in a \$1.25 billion settlement for the state.



Roberta Cooper Ramo is the first woman elected President of the American Bar Association and the American Law Institute. Roberta has served on the State Board of Finance and was President of the University of New Mexico Board of Regents. In 2011, she was inducted into the American Academy of Arts and Sciences. Roberta is a shareholder in the Modrall Sperling law firm.

Dear New Mexican:

This year's annual report documents the initial results of the strategy Think New Mexico adopted several years ago to magnify our impact by working on multiple policy reforms simultaneously.

First, in 2022, Think New Mexico hired a full-time Education Reform Director — Mandi Torrez, New Mexico's 2020 Teacher of the Year — and we published our Roadmap for Rethinking New Mexico's Public Schools. Over the last three legislative sessions, we've reached several mile markers on that roadmap, including expanding learning time and improving training for local school board members (see pages 14–16).

Then, last year we brought on a full-time Healthcare Reform Director, Dr. Alfredo Vigil, and launched a new initiative to address New Mexico's critical shortage of health care workers. This culminated in the enactment of a new permanent trust fund to raise Medicaid reimbursement rates, seeded with more than \$500 million in state funding. We also made progress on several other essential reforms (see pages 6–13).

Most recently, we added a third subject matter expert, focused on Tax, Budget, and Economic Development Reform. Katie Gutierrez, profiled on page 21, will soon have her own portfolio of fiscal policy issues to tackle.

This expanded policy agenda builds on our ongoing efforts to advance a wide variety of policy reforms that benefit New Mexicans. For example, this report also highlights recent victories protecting New Mexicans from an attempt to bring back predatory lending, and enhancing the Strategic Water Reserve that Think New Mexico crafted two decades ago (see pages 17–19).

Our ability to expand our work and our impact is thanks to social investments made by New Mexicans like you. Your support also allows us to devote the vast majority of our time to policy work rather than fundraising—as you can see, one staff member we haven't hired is an advancement director. We hope you'll join the more than 1,200 New Mexicans who invested in our work last year by donating online at www.thinknewmexico.org, sending in a check in the enclosed yellow envelope, or supporting our work in one of the many ways described on the back inside cover of this report.

Fred Nathan Jr.

June 15, 2025

THINK NEW MEXICO'S 2024 STAFF



Kristina G. Fisher Associate Director



Katie Gutierrez Tax, Budget & Economic Development Reform Director



Marcus Lujan Field Director



Susan L. MartinBusiness
Manager



Fred Nathan, Jr.
Executive
Director



Mandi Torrez
Education
Reform Director



Dr. Alfredo Vigil Healthcare Reform Director

October 4, 2024. Volume 41 Issue 34

Dispatch New Mexico by Tom McDonald

Think New Mexico turns 25

SANTA ROSA, N.M. — In this "calm" before the storm that is this year's election, let's take a break from the partisan banter to recognize some thinkers in our midst.

Think New Mexico turned 25 this year.

Regular readers of this column know it's a favorite of mine: I've written numerous times about how this nonpartisan and intellectually independent think tank focuses not only on New Mexico-centric issues but on proposing practical solutions as well. I like the way executive director Fred Nathan and his team take on the issues - first by identifying and researching an issue, then publishing their findings and proposing solutions. Nathan then leads a charge into the Roundhouse to lobby for changes in the law to bring about the needed reforms.

It's been a formula for success over the years. Since it's formation in 1999, Think New Mexico has been instrumental in repealing the state's sales tax on food; making full-day kindergarten accessible to all New Mexico kids; setting up and preserving the state's lottery scholarships program; doing away with the state's tax on Social Security for most New Mexicans; adding financial literacy to high school curriculums; and much more. And they do it all not for political advantage but for the greater good.

Last week I received Think N.M.'s latest report about their latest issue: The growing shortage of health-care professionals in New Mexico. I'll write more about that later — after the election, when we're thinking beyond the politics of division and turning our attention to real-world solutions instead.

At least I hope that's what we'll be thinking about when the New Mexico Legislature convenes in January for a 60-day session, when lawmakers are again in a great position to tackle some of the biggest problems we have as a state, including our crisis in health care.

"If you look at Think New Mexico's work over the years, you can see a lot of common-sense solutions at play."

Health care, especially in rural communities, is certainly a big issue for New Mexico, as are poverty, especially children in poverty, and the looming effects of climate change, especially upon the state's water and land. All of them need to be addressed politically, but none of them are partisan per se. Solutions come through reasonable compromise, not through party posturing, and that's something I wish more movers and shakers in our state would embrace.

If you look at Think New Mexico's work over the years, you can see a lot of common-sense solutions at play. One example took place about 20 years ago, when Think took up water management as an issue. As a result, the Strategic Water Reserve was created to
protect and build up water rights
for public purposes. Another example is from a few years ago, when
Think identified the hidden and
unexpected hospital costs being
passed on to patients; they pushed
for and got a website set up to disclose those costs to the public.

In a world that's being dumbed down to sound bites and unreasonable outrage, it's nice to know some people are still doing deep-dives into the issues that face New Mexicans, not for immediate advantage but for long-term solutions instead.

In the introduction to Think's most recent report about the health-care shortages we're now facing, there's a table that shows a five-year decline in primary care doctors in New Mexico. In response, Think is proposing 10 legislative reforms, from rewriting the state's medical malpractice laws to improving the student loan repayment program to keep more health-care workers here.

As I said, I'll write more about this later, but for now I'll simply thank Think for giving us a smart place to start — as Nathan and his crew have been doing for 25 years now.

Tom McDonald owns and operates the New Mexico Community News Exchange and the Guadalupe County Communicator in Santa Rosa. He may be reached at tmcdonald. srnm@gmail.com.

SOLVING THE HEALTH CARE WORKER SHORTAGE



In 2024, Think New Mexico published a new policy report, *How to Solve New Mexico's Health Care Worker Shortage*, which set out the most ambitious legislative agenda in our history. During the 2025 legislative session, we made progress on several of those initiatives, highlighted in the following pages.

New Mexico's health provider crisis endures. But it is fixable.

I am writing this column from another state where I am currently undergoing a course of medical treatment. When this medical issue arose earlier this summer, I was told flat out by my Albuquerque primary care provider that get-



Merritt Hamilton Allen

ting a consult to this particular specialty in New Mexico's largest city would take a year. So here I am in Minnesota.

We have all felt the pinch as health care providers have left our state. Think New Mexico, the state's leading non-partisan think tank, just released a new report

on the issue. According to the report, more than one in three New Mexico counties no longer have hospital-based maternity care, meaning expectant mothers must take to the open highways to deliver their babies safely in a hospital.

The report cites more disturbing statistics. Our healthcare provider shortfalls are profound: we come up 30% short for nurses, almost 19% for primary care physicians, 25% short for OB-GYNs, 35% short for psychiatrists. One number is shocking: we have a 73% shortfall statewide for EMTs. ...

There is a cure for some of these ills. Think New Mexico is really good at solving statewide problems. Think New Mexico is in its 25th year and counts among its dozens of positive policy results the repeal of the state tax on food; enhancing the training and transparency of local school boards; reforming title insurance to lower closing costs for homebuyers; making the state's infrastructure spending transparent by naming the legislative sponsors of every capital project; and repealing the state tax on Social Security for middle and lower income New Mexicans.

Think New Mexico has several common-sense solutions to address our healthcare provider shortage. They involve making it easier and more cost-effective to be a healthcare provider in New Mexico; growing of our own healthcare workers here in New Mexico; bringing in more international physicians; and creating a permanent fund to pay for these reforms while the state is flush with cash.

Perhaps the area in greatest need of reform is New Mexico's Medical Malpractice Act. Simply put, New Mexico's malpractice premiums are among the highest in the nation and rising at rates approaching 150% over the last three years. New Mexico's Medical Malpractice Act, badly needing reform, represents a perfect storm of loopholes that make New Mexico a great place to file a lawsuit and a lousy place to open a medical practice. ...

Unlike this columnist, Think New Mexico does more than write about New Mexico's hardest problems; it develops sensible fixes for them. You can download the report I have referenced in this piece and learn about their other work at www.thinknewmexico. org. You can also make a tax-deductible donation. Your donation can be assured to go toward thoughtful policymaking, a refreshing change in today's polarized times.

CREATING A PERMANENT TRUST FUND FOR MEDICAID

Low Medicaid reimbursement rates are one major factor in New Mexico's health care worker shortage. Around 42% of all New Mexicans are insured by Medicaid — the highest proportion of any state — and Medicaid often pays health care workers less than the cost of providing care. Think New Mexico proposed to address this problem by creating a \$2 billion permanent trust fund for Medicaid, similar to the dozen permanent funds that state lawmakers have created to support other important investments, like early childhood education. We worked with bipartisan sponsors on Senate Bill 88, which created the

trust fund and set aside recurring funding sources to grow the fund to over \$511 million in its first three years. Once it reaches its \$2 billion goal, the fund will generate \$100 million a year for Medicaid. With the current 3:1 federal match, that will make \$400 million available annually to increase reimbursement rates for health care providers. Senate Bill 88 passed two Senate committees, two House committees, the Senate on a unanimous vote of 37-0, the House on a vote of 52-13, and was signed into law by the governor.

ALBUQUERQUE JOURNAL

September 22, 2024

Could \$2B endowment solve health care shortage?

Tax break for medical services, increased Medicaid rates among policy proposals by think tank

BY DAN BOYD

JOURNAL CAPITOL BUREAU

SANTA FE — The creation of a new \$2 billion permanent fund could allow New Mexico to alleviate its longstanding health care worker shortage, under a new plan proposed by a Santa Fe-based think tank.

Specifically, the money generated annually by such a fund could allow the state to increase Medicaid reimbursement rates, expand a student loan repayment program, repeal a tax on medical services and overhaul the state's medical malpractice act.

Those are among the 10 different policy proposals for addressing the state's health care worker shortage pushed by Think New Mexico in its new report. Most, if not all, of the ideas would require legislative approval.

"Every New Mexican who has struggled to get an appointment with a health care provider can speak to the urgency of this crisis," said Fred Nathan, the group's director.

New Mexico has struggled for years to address health care staffing issues, with an average shortage of 5,000 health care workers statewide over the past several years, according to Legislative Finance Committee data....

The state also has the nation's oldest physician workforce, with almost 40% of the state's doctors aged 60 or older and expected to retire by 2030, according to Think New Mexico. ...

As for the proposed health care permanent fund, the \$2 billion would have to be set aside by law-makers from the state's \$13.4 billion in projected revenue for the coming budget year.

Legislators have already created new trust funds for early childhood programs, statewide conservation projects and higher education amid an ongoing state revenue boom.

Those funds, which are managed by the State Investment Council along with other state permanent funds, spin off yearly distributions. ...

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Carlsbad Current Argus

Saturday, November 23, 2024

A Permanent Fund for Health Care Can Help Solve the Health Care Worker Shortages

By Katie Gutierrez Think New Mexico

New Mexico has a critical shortage of health care workers, including doctors, nurses, and behavioral health providers. Solving this shortage will require investments in reforms like increasing student loan repayment programs for health care workers, increasing Medicaid reimbursement rates to doctors, expanding health care worker training programs, and targeting tax incentives.

To make these investments without raising taxes or cutting other essential programs, the best strategy is to create a permanent fund for health care, modeled on the state's successful Severance Tax Permanent Fund.

The Severance Tax Permanent Fund (STPF) was created in 1973 during an oil boom that generated a big budget surplus in New Mexico. Legislative leaders decided it would be wise to save some of those unexpected funds for future generations, so they created the STPF, an endowment funded by taxes on natural resources like oil, gas, and hardrock minerals. The STPF works like an investment account that generates continuous funding to help pay the costs of state government.

Today, the STPF is worth \$9.7 billion — a staggering 138,186% increase from the \$7 million it started with in 1973. The STPF has paid out billions of dollars over the last 50 years to support the state's budget and infrastructure projects. Without the STPF, the legislature would have needed to raise taxes by nearly \$500 million annually to maintain this spending.

In recent years, the legislature has wisely taken advantage of the current oil and gas boom in the Permian Basin to create several new funds modeled on the visionary STPE. For example, in 2024, the legislature created the Higher Education Trust Fund (\$959 million), as well as a Capital Development and Reserve Fund (\$476 million). This followed the creation of the Conservation Legacy Permanent Fund in 2023 (\$354 million); the Early Childhood Education and Care Fund in 2020 (\$7.2 billion); and the Tax Stabilization and Reserve Fund in 2019 (\$2.2 billion) — just to name a few.

However, despite health care being the second largest annual expense in the state budget (after public education), there is not yet a permanent fund dedicated to meeting New Mexico's health care needs. Because health care costs grow faster over time than state government revenues, a permanent fund for health care would help to close that gap.

Think New Mexico recommends setting aside a portion of next year's projected \$2.5 billion budget surplus to create a permanent fund for health care. Eventually, we recommend growing that fund to at least \$2 billion. At a 5% yield, such a fund would pay out \$100 million annually that could fund reforms like those mentioned above.

Creating a trust fund for health care is not a new idea. For example, Senate Finance Chair George Muñoz introduced legislation in 2024 to create a \$1 billion permanent fund to help cover the state's Medicaid costs. Medicaid, which funds health care for low-income New Mexicans, is an especially smart investment because the federal government matches about \$3 for every \$1 the state spends on the program.

A \$2 billion Permanent Fund for Health Care could help pay for not only Medicaid, but also for other innovative policies that will allow us to train, recruit, and retain the health care professionals that New Mexicans urgently need.

REPEALING THE TAX ON MEDICAL SERVICES

Another major driver of New Mexico's health care worker shortage is the state's Gross Receipts Tax (GRT) on medical services. Unlike most businesses, which pass the tax on to their customers, health care providers are generally not able to pass this tax on to insurance companies, Medicaid, or Medicare. Think New Mexico advocated for legislation to fully repeal this tax, and the proposal gained traction: the legislature included

a provision in its omnibus tax reform bill to repeal the tax on coinsurance, which would have reduced the GRT on medical services by \$49.8 million annually. Unfortunately, the governor ultimately vetoed the bill because it did not include a plan to pay for the various tax cuts it included. We are optimistic that we can make this reform a reality next year.



Friday, February 28, 2025

Legislation introduced to repeal gross receipts tax on medical services

Two bipartisan bills have been introduced to make New Mexico's tax policy friendlier for health care workers. Both bills are supported by Think New Mexico, which recommended these reforms in its recent report, "How to Solve New Mexico's Health Care Worker Shortage."

Senate Bill 295, which would repeal New Mexico's gross receipts tax on medical services, is sponsored by Sen. Jeff Steinborn (D-Albuquerque), Senate Minority Leader William Sharer (R-Farmington) and 13 other sponsors.

House Bill 52, sponsored by Reps. Miguel Garcia (D-Albuquerque) and Jenifer Jones (R-Deming), among others, would expand the eligibility of the Rural Health Care Practitioner Tax Credit to additional categories of health care providers, including EMTs, paramedics, and licensed practical nurses. House Bill 52 passed the House Health and Human Services Committee unanimously and received a favorable hearing in the House Taxation and Revenue Committee, which will determine whether to include it in this year's omnibus tax bill.

New Mexico is one of only two states that impose a gross receipts tax on medical services. The other is Hawaii, according to a news release. Unlike most businesses, which simply pass on the gross receipts tax to their customers, medical providers cannot pass the tax on to insurance companies, Medicaid or Medicare. As a result, doctors end up bearing the full burden of the tax, making it more expensive to practice medicine in New Mexico than in other states. Statewide, the GRT averages 7.05 percent.

For the past two decades, the Legislature has gradually repealed portions of the tax. Senate Bill 295 would repeal the remaining portions, the release stated.

"The urgently needed reforms in Senate Bill 295 and House Bill 52 would make New Mexico more competitive in attracting and retaining health care workers," says Fred Nathan Jr., executive director of Think New Mexico.

REFORMING THE MEDICAL MALPRACTICE LAW

New Mexico's medical malpractice law is at the top of the list of reasons why many doctors retire early or leave the state, since it has resulted in malpractice insurance premiums that are twice as expensive on average as they are in our neighboring states. Think New Mexico drafted Senate Bill 176 to strike a better balance. Senate Bill 176 was introduced on the eighth day of the session but did not receive a first hearing until the fifty-third

day of the sixty-day session, due to the powerful opposition of the trial lawyers lobby. The bill ultimately failed on a 4-5 vote. Despite this disappointing outcome, it was encouraging that we were able to recruit 24 sponsors — 12 Democrats and 12 Republicans — nearly a quarter of the legislature and more sponsors than any other bill this session. Major reforms often take several years to achieve, and this one is off to a strong start.

Independent

Tuesday, March 11, 2025

How many doctors do we have to lose before lawmakers act?

r. Lawrence Andrade and his wife, Dr. Aedra Andrade, are leaving Gallup. He's a private practice family medicine doctor and owner of Family Medicine Associates. He's practiced in Gallup since 2003. She's a family practice physician with Rehoboth McKinley Christian Hospital. Together they have 9,000 active patients in a place that's already undeserved.

Andrade has deep roots here, which makes his loss all the more painful. He's a Gallup native and graduate of Gallup High



All She Wrote

By Sherry Robinson School, the University of New Mexico, and the UNM School of Medicine. He is the team doctor for high school sports. He mentors high school and college students and teaches at the medical school.

Losing doctors anywhere in New Mexico

is a huge loss, but in a rural area it's a blow to the town's well being because they're nearly impossible to replace.

Why would somebody like this leave a town he obviously loves?

Andrade writes: "Due to the current malpractice climate in New Mexico, the high taxes (especially gross receipts taxes for me as a private practice and business owner), and lack of medical specialists in New Mexico, we will be moving out of state this year.

"The malpractice issue and lack of doctors in New Mexico is not a "corporate greed" issue but truly one due to the risk of practicing medicine in New Mexico and being sued, a process that is devastating to doctors. It is truly sad that our wonderful state, which should be a magnet attracting doctors, has in turn become an area doctors are avoiding."

New Mexico ranks second highest in the nation for medical malpractice lawsuits per capita. Our medical malpractice insurance premiums are nearly twice those of Arizona, Colorado, and Texas and still rising. Even then, many malpractice insurance companies lose money. It's the primary reason New Mexico is the only state that's actually lost doctors (248 of them) in the last five years.

Think New Mexico, a nonpartisan think tank, has a package of bills intended to address our shortage of healthcare workers. Some of those bills have stoked opposition of the powerful New Mexico Trial Lawyers Association and its sock puppet, New Mexico Safety Over Profit (NMSOP). Both groups beat the drum about "corporate greed" and cry all the way to the bank.

NMSOP is behind a bill to spend \$2 million in taxpayer money on a recruiting program, unaware that bad news travels faster than good news. Our lawsuit bonanza is well known to doctors.

The online Searchlight New Mexico recently described NMSOP as a dark money group with close ties to the trial lawyers.

Two bills would fix the problems Andrade has experienced. Senate Bill 176 would cap attorney fees in medical malpractice lawsuits. House Bill 344 would remove the gross receipts tax on small healthcare providers.

SB 176, the malpractice bill, is up to 24 sponsors from both parties, but Sen. Linda Lopez, D-Albuquerque, has had it corralled in her Health and Public Affairs Committee for 40 days of the session's 60 days, even though the lead sponsor, Sen. Martin Hickey, the Legislature's only doctor, is her vice chair.

The Albuquerque Journal reported the bill stalled and looked at campaign contributions. Lo and behold, the trial lawyers association was Lopez's biggest campaign donor in 2024, at \$10,500; add money from individual lawyers and law firms and the amount doubles.

More fallout: In the House Taxation and Revenue Committee recently, debate of House Bill 344, the gross receipts tax bill, kept spilling over to malpractice. The frustration was clear.

"We haven't been allowed to address med mal in the way it needs to be done," said Rep. Doreen Gallegos, D-Las Cruces.

"We dramatically harmed our doctors when we raised the limits on malpractice," said Rep. Rod Montoya, R-Farmington. "That's the real issue for doctors. (The gross receipts tax bill) is a band-aid for a gaping wound. Doctors can be sued out of existence in New Mexico."

Rep. Micaela Lara Cadena, the tax committee's vice chair, blamed a dark money group for the narrative "that we either stand with patients or with out-of-state corporations... It's become a political issue."

The clock is ticking. How many doctors do we have to lose before lawmakers act?



Reform the medical malpractice system

Fred Nathan

Executive Director, Think New Mexico

New Mexico's lawyer-centered medical malpractice system, with no statutory caps on attorney's fees or punitive damages and the lowest standard in the country for awarding punitive damages, is out of balance. It is driving up medical malpractice rates for New Mexico doctors to nearly twice what doctors pay in neighboring states.

That in turn is causing doctors to retire early or leave the state. In fact, New Mexico is the only state in the nation that experienced a loss of practicing physicians between 2019 and 2024. This is why so many New Mexicans cannot find a doctor or must wait months for care.

Senate Bill 176, sponsored by Senator Martin Hickey (D-Abq.) and Senator Pat Woods (R-Broadview) along with 20 co-sponsors (10 Democrats and 10 Republicans) and drafted by Think New Mexico, would prioritize the needs of patients, rather than trial attorneys. It would also reduce the incidence of medical malpractice.

First, SB 176 would cap attorney's fees. In medical malpractice cases, the lawyer bringing the lawsuit receives a percentage of any money awarded if the case is successful. However, every dollar that goes to the attorney is a dollar that fails to reach the injured patient.

Many states protect patients by capping attorney fees. SB 176 adopts the California model, capping attorney fees at 25% of the money awarded if the case is settled, and 33% if the case goes to trial.

Second, SB 176 addresses punitive damages. They are meant to be an extraordinary and rare remedy, awarded where it is necessary to punish for gross negligence or intentional harm. Yet because New Mexico is one of just a handful of states that only require lawyers to meet the lowest burden of proof to win punitive damages, attorneys routinely seek punitive damages in medical malpractice cases.

Other states, such as Oregon, use a significant portion of any punitive damages award to benefit the public, rather than showering a windfall on trial attorneys. SB 176 would send 75% of punitive damage awards in malpractice cases to a new fund designed to improve patient safety – such as by improving training or reducing staffing ratios.

Third, SB 176 would ensure that injured patients' medical costs are covered by the Patient's Compensation Fund (PCF) as those costs are incurred.

The PCF was created to make sure that patients who have lingering injuries because of malpractice will have all of their medical needs paid for the rest of their lives. The fund is supported by fees on doctors, supplemented by taxpayer funding. For decades, the PCF covered medical costs as they were incurred by a patient injured by malpractice.

However, in 2021 that was changed as part of a complex revision of the malpractice law. Now, lawyers can seek an up-front, lump-sum payout based on an estimate of their client's life expectancy and medical costs. The problem with this is that the lump-sum payout is meant to cover the patient's medical costs for the rest of their life, but as much as 40% now comes off the top immediately for their lawyer. That is good for the lawyers but places a lot of risk on the on their injured clients, who may outlive their lump-sum payment. SB 176 returns the PCF to a pay-as-you-go system to guarantee that those medical costs will continue to be covered.

It is time to reform a malpractice system that currently benefits wealthy, often out-of-state attorneys at the expense of New Mexicans who cannot get in to see a doctor.

JOINING THE INTERSTATE HEALTH CARE COMPACTS

In the 2025 session, Think New Mexico put together a package of nine bills to bring New Mexico into interstate compacts for physicians, physician assistants, psychologists, counselors, dentists and dental hygienists, emergency medical personnel, audiologists and speech therapists, physical therapists, and occupational therapists. These compacts would make it easier for health care providers licensed in other states to care for New Mexico patients, including via telehealth. We organized broad coalitions of supporters, with both Planned Parenthood of the Rocky Mountains and the New Mexico Conference of Catholic Bishops sup-

porting the doctor compact! The bills passed the House unanimously, but they ran into trouble in the Senate Judiciary Committee. That committee killed most of the compacts without even hearing them, and killed the physician compact by making 32 amendments to it. Because every state that seeks to join the compact must agree to the same language, even one substantive change would have been enough to prevent New Mexico from participating. We will be bringing these bills back next year, as joining the compacts is the single most impactful step the legislature can take to immediately improve access to health care in New Mexico.

SANTA FE NEW MEXICAN Saturday, March 22, 2025

Advocates fear time's up on medical compacts

By Margaret O'Hara

mohara@sfnewmexican.com

Over the past four years, parents Michael Casaus and Naomi Natale have been making periodic trips across the Texas border. They hope the New Mexico Legislature in its final hours will pass legislation that would end those visits.

Traveling to Texas was the only way the couple could meet online for telehealth visits with medical experts in other states to get specialized treatment for their son, Sebastián, who was diagnosed with a rare form of cancer at just 2 years old.

After Sebastián's diagnosis, the couple found doctors elsewhere with special expertise in the disease, but they refused to treat Sebastian except in person. Eventually, the parents found out why: New Mexico is not a member of the interstate medical licensure compact so out-of-state experts could not speak with the parents directly.

They were all willing to give us second opinions, but they really wanted us - actually, they required us - to fly or travel to their institution," an impossibility as their son was immunocompromised and had received chemotherapy treatments, Casaus said.

So, the family drove to Texas, which accepted the experts' licenses, on three separate occasions for telehealth visits.

Casaus and his family have been waiting for the New Mexico Legislature to pass a medical provider compact, but as the final hours of the 2025 session wind down — the session ends at noon Saturday - chances for House Bill 243 are dimming.

The bill would allow New Mexico to enter an interstate compact to significantly ease the process for doctors from other states to practice here. It advanced out of the Senate Judiciary Committee, its final stop before reaching the Senate floor, late Wednesday - but only after it was heavily amended.

The changes were so substantial they'd prohibit New Mexico from actually joining the compact, Rick Masters, general counsel for the Interstate Medical Licensure Compact Commission, wrote in a letter to the bill's sponsor, Rep. Marian Matthews, D-Albuquerque.

As lawmakers prepared to possibly make a final decision on HB 243, Casaus urged them to put patients and their families first.

"It's not just about our family," Casaus said, "This is about people. This is about families. This is about New Mexicans who are sick, who need access to expert advice that may not exist in New Mexico."

'A compact is like a contract'

An interstate medical provider compact is kind of like a driver's license, said Troy Clark, president and CEO of the New Mexico Hospital Association: Your New Mexico driver's license would

be accepted in Texas as proof of your ability to drive.

The compacts offer similar privileges to medical providers from other states, recognizing the training they've received in a particular field and authorizing them to practice, Clark said.

Nathan summed up the compacts this way: "A compact is like a contract. ... It's a contract between states, so no state really gets to rewrite it." ..

New Mexico is already in the interstate nursing compact, Clark said, which provides reciprocity to nurses licensed in other states. ..

From a hospital standpoint, we think it's been great for our state, especially during the pandemic," Clark said. ...

The Senate Judiciary Committee advanced HB 243 with more than 30 amendments, striking some significant portions of the 35-page bill. Among the changes are 15 "material, substantive deviations," according to Masters. As a result, he wrote in a letter to the bill's sponsors, "New Mexico would not be permitted to participate in the compact."...

"By substantively rewriting HB 243, the Senate Judiciary Committee effectively ensured that New Mexico will not be allowed to join the 41 states in the compact," he said. "Sadly, this means that many New Mexicans with life-threatening illnesses will continue to have travel to other states to access care."

Guest Column by Kristina Fisher

Thursday, March 6, 2025

Joining interstate compacts would boost access to health care in NM

Nearly every New Mexican has experienced the harmful effects of our state's worsening health care worker shortage, from struggling to find a doctor to waiting months for urgently needed care.

The good news is that state lawmakers have an opportunity to take one simple step that would immediately improve access to health care: joining the majority of other states that participate in interstate compacts for doctors and other health care workers. There are 10 major compacts for health care workers, yet New Mexico only participates in one of them, for nurses.

In brief, these interstate compacts are agreements among states to recognize and accept professional licenses issued by the other states participating in the compact. So, for example, a doctor licensed in Colorado could provide their license information to the New Mexico Medical Board and quickly become licensed to practice here as well.

Without these agreements, doctors from other states cannot legally care for New Mexico patients — even via telehealth — without going through our state's burdensome licensure process.

Forty states and D.C. participate in the interstate compact for physicians, including all five states that border New Mexico. Thirty-one or more states also participate in interstate compacts for psychologists, counselors, physical therapists, audiologists and speech therapists, and emergency medical personnel. (The two newest compacts, for physician assistants and dentists, were launched in 2022 and 2023 and are rapidly gaining members.)

States keep signing onto these compacts and none have left them, a strong show of confidence in the benefits they provide to patients in these states.

The fact that New Mexico does not participate in any of these nine major compacts puts our state at a serious competitive disad-

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vantage in attracting doctors and other health care workers. Our neighboring states provide a stark contrast: Colorado has joined all 10 compacts; Utah is in nine; Oklahoma is in eight; Arizona is in six; and even Texas is in five (and their legislature is currently considering legislation to join four more).

The one compact New Mexico has joined provides a great example of how these compacts can increase access to care. Since 2003, New Mexico has been one of 40 states in the Nurse Licensure Compact, which grants nurses a multi-state privilege to practice in other compact states. As many as 80 percent of the nurses at some New Mexico hospitals, particularly in rural and border areas of the state, would not be practicing here if we were not in this compact.

So why hasn't New Mexico joined the compacts for doctors and other health care workers?

The main reason is that the powerful New Mexico Trial Lawyers Association has consistently opposed the compacts. They dislike a provision in the compacts that prevents lawyers from suing the interstate compact commissions. These commissions are boards that oversee the implementation of each compact, made up of members appointed by all the participating states. There is no good reason to sue them, but the lawyers object on principle to a rule shielding anyone from potential lawsuits.

Fortunately, during the current legislative session, a team of 10 legislators from both parties and both chambers of the Legislature have introduced bills to bring New Mexico into the other nine major interstate compacts for health care workers. Passing these bills is the single most important step that lawmakers can take right now to begin alleviating the state's health care worker shortage.

We urge all New Mexicans to join us in urging their legislators and the governor to make joining the interstate health care worker compacts a top priority of the 2025 legislative session. Visit our website at thinknewmexico.org to learn more and contact your elected officials.

Kristina Fisher is associate director of Think New Mexico.

RETHINKING NEW MEXICO'S PUBLIC SCHOOLS



Three years ago, Think New Mexico published a policy report, A Roadmap for Rethinking Public Education in New Mexico, which laid out an agenda of policy reforms to dramatically im-

prove the quality of New Mexico's public schools. Since then, we have been making steady progress toward enacting and implementing those reforms.

During the 2025 legislative session, Think New Mexico drafted House Bill 94 to cap the size of kindergarten through third grade classes at 20 students. Reducing class size in the early years is an essential piece of improving early literacy and

DONE-

giving New Mexico's students the best chance to be reading by third grade. (New Mexico ranks 50th in the nation for reading proficiency.) We recruited six of the 11 members of the House Education Committee from both parties to cosponsor the bill, and it was filed before the session even started. Unfortunately House Bill 94 became collateral damage in a year in which the House Education Committee did not hear 53 out of 104 education bills assigned to it. We are working with our legislative allies and fellow education reform advocates to chart a path forward for this bill and other essential education reforms in the 2026 legislative session.

PROGRESS ON THE EDUCATION REFORM ROADMAP RECOMMENDATIONS

	DONE:	10 00:
✓	Extend learning time for students by the equivalent of 27 extra days a year for elementary school and 10 extra days for secondary school	Maximize the percentage of the education budget that is spent in the classroom on educators and support staff, rather than on central administration
\checkmark	Upgrade training and transparency of local school boards	Right-size to smaller classes, schools, and districts
✓	Enhance principal pay and training	Revamp New Mexico's colleges of education
./	IN PROGRESS: Expand access to high-quality teacher	Make it easier to close failing charter schools and replicate high-performing ones
•	training, including residencies	Reform student assessments to better support student learning
✓	Esnure a relevant, well-rounded high school curriculum, including financial literacy	

Our Reading Crisis Deserves an Urgent Response: Smaller K-3 classes

By Mandi Torrez

In 2022, 79% of New Mexico fourth graders could not read proficiently according to the National Assessment of Educational Progress (NAEP). New Mexico's fourth grade cohort has never reached more than 24% reading proficiency since NAEP's inception in 1998.

Yet, one strategy implemented in other states has not been tried in New Mexico: smaller class sizes. The nonpartisan think tank Think New Mexico, along with a bipartisan group of legislators, will propose legislation to cap grades K-3 at 20 students. This will help give our youngest students the best chance to read at grade level by the end of third grade, which means they are four times more likely to graduate from high school.

Our proposal would phase in a 20-student maximum over four years, one grade level per year, allowing districts time to plan for spacing and staff, while assuring parents that every proven strategy is being utilized to boost reading success.

New Mexicans know that reducing class size is worth the effort. A 2023 poll of likely voters conducted by University of New Mexico professor Dr. Gabe Sanchez found that 96% of likely voters believe class size is an important or very important factor in student success and 83% would support a law capping elementary classes at 20 students.

In a well-known Tennessee study of elementary classes, students in smaller classes outscored peers in larger classes. The study showed statistically significant differences over three years, with the best outcomes for students in urban schools and for low-income and minority students.

Many New Mexico students do not get that boost. While state law currently caps kindergarten at 20 students, 2022-2023 Public Education Department (PED) data reveals issues in districts like Carlsbad, where in one school all six kindergarten classes exceeded 20 students.

Grades 1-3 are not currently capped. Instead, across an entire district, the average size of all classes in those grades should not exceed 22. Data for Albuquerque showed classes of 30 in grades 1, 2 and 3. Averaging across an entire district allows for such inequitable variances.

PED can also grant waivers for districts to exceed legal size limits. Gallup-McKinley County Schools (GMCS) received a waiver despite having third grade classes as large as 30 students, according to PED data. Artesia also received a waiver with classes as large as 27 in early grades.

Meanwhile, the 2018 Martinez-Yazzie ruling found that the state is failing to provide all students with an adequate education and called for smaller classes. About three-fourths of New Mexico's student population is covered in the Martinez-Yazzie ruling. Many of those students live in poverty or suffer from adverse childhood experiences (ACES). New Mexico has the highest rate of ACES in the nation.

Students would benefit from

small, tight-knit classroom communities that offer them a sense of belonging and connection and that create a supportive learning environment. This cannot be underestimated amid the chronic absenteeism crisis happening across the country.

Smaller classes can also improve teacher retention. Teachers are burning out at faster rates than ever before. In 2017, the Learning Policy Institute reported that New Mexico's teacher turnover rate (23%) was second only to Arizona. Improving working conditions would help retain veteran teachers whose expertise as practitioners and mentors is needed to help build a quality workforce.

Those opposing legislation for smaller classes focus on the need for enough space and enough teachers. We address this by giving districts targeted funding and time to plan with a four-year phase-in. Our teacher preparation programs graduated 1,158 new teachers in 2022-2023, a 13% increase from the prior year. The majority sought K-6 licensure.

The harsh reality is that kids who cannot decode words at a certain level can't increase their reading comprehension. Reducing K-3 class sizes is an additional layer of support to move students forward.

If you agree, please visit Think New Mexico's website to urge your elected officials to make effective learning environments a priority.

Mandi Torrez is the Education Reform Director for Think New Mexico and the 2020 New Mexico Teacher of the Year.

MAKING FINANCIAL LITERACY A GRADUATION REQUIREMENT

Last year, the legislature updated New Mexico's high school graduation requirements and directed each school district to select two locally required credits. Think New Mexico reached out to every superintendent and school board member in the state's 89 school districts to make the case for choosing financial literacy as one of those local credits. We are delighted to report that a majority of districts — 46 of 89 — enrolling

146,531 students (nearly 48% of all students in the state) have made financial literacy class a graduation requirement for students entering high school in the 2025–2026 school year and future years! In many cases, the districts have adopted year-long course requirements, which is even more robust than the semester-long requirement that we had originally proposed.



June 5, 2025

Majority Of New Mexico School Districts Now Include Financial Literacy in High School Graduation Requirements

Forty-six of New Mexico's 89 school districts, reaching 47.43% of all public school students in the state, have made financial literacy a high school graduation requirement for students entering ninth grade in the 2025-2026 school year and thereafter, according to a new survey completed by Think New Mexico. Thirty-six of those districts require completion of a year-long financial literacy course, while ten require at least a semester. Think New Mexico recommended ensuring that all students receive high-quality financial literacy education since the 2020 publication of its policy report on strategies to end predatory lending.

According to the national nonprofit NetGen Personal Finance, which advocates for making financial literacy a graduation requirement, over the last five years the number of states guaranteeing all public high school students will take a financial literacy course before graduating has more than tripled from eight to 27. Today, 64% of U.S. public high school students attend schools in states with financial literacy graduation requirements.

During the 2024 legislative session, the legislature passed and Gov. Michelle Lujan Grisham signed House Bill 171, revising the state's high school graduation requirements. While the total number of credits that high school students must complete remains at 24, two of those 24 credits are now designated by each school district at the local level. Since passage of the 2024 law, Think New Mexico has urged superintendents and school boards across the state to adopt financial literacy as one of those local credits through letters, emails, phone conversations and personal meetings.

Financial literacy courses teach students critically important life skills, like budgeting, saving, investing, credit scores, and the costs of borrowing. When students increase their financial literacy, studies have found that they shift from high-cost to low-cost sources of credit and student loans, and are 21% less likely to carry a balance on a credit card. The New Mexico Legislative Finance Committee reported that after financial education was mandated in the states of Georgia, Idaho and Texas, students who participated in the programs had higher credit scores and higher savings rates.

"When high school students learn personal finance, they often bring those lessons home to their parents and grandparents, benefitting the whole family," says Fred Nathan, Jr., Executive Director of Think New Mexico. "We hope the other 43 districts will soon join this growing movement."

In order to ensure that required financial literacy classes are high quality NextGen Personal Finance offers free curriculum and professional development for financial literacy teachers, and even offers stipends for teachers to complete the training if their districts make financial literacy a graduation requirement. Many of New Mexico's local credit unions and nonprofits like JumpStart also provide support for financial literacy education.

ENHANCING THE STRATEGIC WATER RESERVE



Two decades ago, Think New Mexico crafted and won passage of the law creating the Strategic Water Reserve. The law keeps more water in our rivers by allowing New Mexico's

water managers to lease or purchase instream water rights to meet the needs of river-dependent endangered species and fulfill our water delivery obligations to other states. In the 2025 session, Think New Mexico worked with a broad coalition

to pass Senate Bill 37, which enhances the Strategic Water Reserve in several ways. Most importantly, it creates a non-reverting fund to hold future appropriations for the Reserve. This will ensure that funds for the Reserve are available for the multiple years that it generally takes to complete a water rights transaction. Senate Bill 37 passed both the House and Senate on bipartisan votes and was signed into law by the governor.



May 29, 2025

Senate Bill 37: Enhancing the Strategic Water Reserve

As New Mexico enters another summer with below average snowpack and widespread drought conditions, it is heartening that state lawmakers recently enacted Senate Bill 37 to enhance the state's Strategic Water Reserve.

The Strategic Water Reserve is an innovative water management tool that Think New Mexico crafted and successfully championed two decades ago. The law keeps a little more water in our rivers by allowing the state's water managers to lease or purchase instream water rights to meet the needs of endangered species and fulfill our water delivery obligations to other states. Farmers and other water rights owners can lease their water rights to the Reserve when

they aren't using them, keeping those rights in their families while making rivers healthier.

During the 2025 legislative session, Think New Mexico partnered with a broad coalition of other groups to pass Senate Bill 37, which creates a non-reverting fund to hold future appropriations for the Reserve. This will ensure that dollars allocated to the Reserve are available for the multiple years that it generally takes to complete a water rights lease or purchase. Senate Bill 37 also allows the Reserve to acquire water rights for aquifer recharge, increases streamflows which over the long term. We commend the legislature and the governor for improving this important tool to keep New Mexico's rivers alive and flowing.

LAUNCHING THE HEALTH CARE TRANSPARENCY WEBSITE



Last fall, a new, user-friendly health care transparency website became available thanks to a law that Think New Mexico successfully championed in 2015. That law was based

on a recommendation in our 2014 policy report, which highlighted research showing that the price of common elective medical procedures is an average of 7% lower in states with transparency web-

sites. New Mexico's new website makes it easy for patients to shop around and compare the average prices and quality metrics for numerous common procedures at many different providers across the state. We are excited about the potential of this website to empower New Mexicans to find the most affordable, highest quality health care. Try it out at: apcd.doh.nm.gov

RIO RANCHO OBSERVER

December 5, 2024

New search website aims to help New Mexicans find health care

BY MICHAELA HELEAN

STAFF WRITER

SANTA FE — A new website will allow New Mexicans to search for quality, affordable health care near them.

It was announced last month that apcd.doh.nm.gov is the new website people can use to find health care that's best for them.

"This user-friendly health care transparency website gives New Mexicans a powerful tool to find the highest-quality, most affordable health care for their families, which is more urgent than ever during this period of rapidly rising prices," Kristina Fisher, associate director of Think New Mexico said.

Fisher is on the advisory committee that assisted the Department of Health with the implementation of the website.

According to a release, creating the website was a multi-year effort because in order to gather the necessary data, the state had to first build an All Payer Claims Database (APCD), which collects information about the actual prices paid for medical procedures. Think New Mexico advocated for the development of the state's APCD, and its implementation this year makes New Mexico the 24th state with an APCD.

"The website, which can be found at apcd.doh.nm.gov, allows New Mexicans to compare average prices and quality metrics for common, non-emergency procedures at each of the state's 44 hospitals," it reads in a release.

The new health care transparency website is the culmination of legislation enacted in 2015. The legislation was based on recommendations from Think New Mexico's 2014 policy report, "Making Health Care More Affordable." The legislation, which passed both the House and Senate unanimously, reflects a bipartisan compromise that was supported by the New Mexico Department of Health, the New Mexico Hospital Association, Think New Mexico, the AARP, the Foundation for Open Government, the League of Women Voters, the Con Alma Health Foundation, the national organization Costs of Care, and leading doctors across New Mexico, among others.

"The user-friendly website allows New Mexicans to search by procedure, such as a colonoscopy, and see the average prices paid for that procedure at nearby health care providers. New Mexicans can also look up their local provider by name and find a list of common procedures performed at that facility, along with their average prices," it reads.

Along with average prices, the website also includes quality ratings for all the health care facilities for which those ratings are available. The quality ratings reflect both patient surveys about the care they received at that facility, as well as factors such as rates of excess readmissions and hospital-acquired infections.

In its 2024 report, Think New Mexico noted that at least 19 other states, including Colorado, Arizona, and Utah, have already created health care transparency websites. Similarly, states that publicly post health care quality data, like rates of hospital-acquired infections and readmissions, have seen hospitals compete to improve quality.

PREVENTING THE RETURN OF PREDATORY LENDING



During the 2025 session, House Bill 59 was introduced to open up a big loophole in the law we won passage of in 2022, which capped the annual interest rate of small loans at 36%.

Based on what has happened in other states, this bill would have permitted "earned wage access"

companies to charge interest rates in excess of 300% APR for short-term loans. Think New Mexico rallied the other members of the coalition that we partnered with to pass the 2022 law, and we stopped House Bill 59 in its first committee. We remain on guard against future attempts to bring predatory lending back to New Mexico.

January 31, 2025 Millam Simomich © 2005 Santa fe New Merican Inc. Afternited with permission, all rights reserved Aftern Prediction

INTA FE NEW MEXIC

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S torefront lenders howled when the New Mexico Legislature finally outlawed their 175% annual interest rates,

The lenders claimed they'd provided a public service. Mostly they saddled desperate customers with crushing debt.

The smokescreens from industry lobbyists didn't survive in a land of pink-and-orange sunrises. Storefront lenders across New Mexico are still in business 13 months after lawmakers capped rates for small loans at 36%.

The lower figure still sounds oppressive, but at least the years of state politicians abetting predatory lenders are over. Or are they?

A new threat to consumers has emerged with House Bill 59, sponsored by Democratic Reps. Tara Lujan of Santa Fe and Micaela Cadena of Las Cruces. Lujan says the proposal is about good government. She describes it as a means to regulate tech businesses that enable workers to receive earned wages before payday.

"Everything's at the tip of your fingertips. You can do it online," Lujan said.

Her bill, the Earned Wage Access Services Act, claims these financial tech companies are not subject to the state law on lending rates. The bill says early payment of wages shall not be considered "a loan or other form of credit or debt."

But New Mexico's legal definition of loans is broad, Critics of Cadena's and Lujan's bill say the measure is designed to let certain companies sidestep the cap.

"What they're proposing walks like a loan and quacks like a loan. It is a loan," said Fred Nathan, executive director of Think New Mexico, a policy organization that was instrumental in ending the 179% interest rates charged by storefront lenders.

The National Consumer Law Center also opposes Lujan's bill, saying it's a version of old payday lending schemes that trapped consumers in debt.

"HB 59 would exempt fintech payday loans from New Mexico's lending laws and interest rate limits," the law center stated in a letter opposing the measure. "It offers a fee limit that would still result in triple-digit annual percentage rates and mounting fees."

Cadena did not respond to requests for an interview about the bill. Lujan told me their proposal is smart public policy because it regulates an industry that otherwise is left to do as it pleases.

Nathan believes the representative is misinformed. He said New Mexico's 36% cap on loans applies to the tech companies that charge fees for processing advances ahead of payday. That debate is in full fury in the nation's capital. The attorney general of Washington, D.C., in November sued EarnIn, an app-based lender, claiming it marketed illegal, high-interest loans to more than 20,000 consumers.

"The Office of the Attorney General alleges that EarnIn violated District law by falsely claiming its so-called 'earned wage advance' product is not a loan and can be accessed instantly with no mandatory fees and no interest, the prosecutor, Brian Schwalb, said in a statement.

Other complaints have surfaced in states where consumers signed up for access services to obtain paychecks earlier than the normal cycle. "They have charged fees that are the equivalent of 300% annual percentage rates or more," Nathan said.

He and his staff at Think New Mexico said Lujan's HB 59 contains loopholes that would hurt consumers.

"It does not include any limits on the cost of borrowing," Nathan said. "While there is a \$7.50 cap per transaction, the definitions section explicitly excludes 'voluntary tips, gratuities and donations' from the calculation of fees, even though companies that utilize tips collect them 73% of the time."

Cadena and Lujan are scheduled to present their bill for the first time Friday afternoon before the House Commerce and Economic Development Committee.

Lujan said she was inspired to co-sponsor the bill by a Nevada lawmaker she met at a convention of legislators in Oregon. Lujan did not know the bill that led to Nevada's law on early delivery of wages was based on model legislation from ALEC — the American Legislative Exchange Council.

ALEC is an organization that boasts of its commitment to free markets and limited government. Storefront lenders also hailed free markets when they said their 175% interest rates were essential to serving people who otherwise could not obtain credit.

Lujan said her interest is in providing a regulated system for people facing an emergency to obtain their wages early.

"In New Mexico, 70% or more don't have savings," she said.

Even so, Lujan said, this bill is not her priority. She is sponsoring a dozen other measures, none of which have met heavy resistance so far.

Lujan and Cadena have put their names on a bill that again threatens to let out-of-state corporations exploit low-income people.

Theirs is a Trojan horse. It should not ride again.

Jay Choate



Ryn Delgado



Ella Hutchinson



Camille Kruger



Lauren Leland



Alma McKown



Lynsey Pinto



Cole Washburn

To learn more about Think New Mexico's Leadership Internship, read bios of past interns, and find out how to apply, please visit: www.thinknewmexico.org.

2025 LEADERSHIP INTERNS

Think New Mexico's Leadership Internship program aims to mentor the next generation of New Mexico leaders. We are excited to welcome eight outstanding students as our 2025 Leadership Interns.

Jay Choate is earning an MA in Government and an MPA from New Mexico State University. Jay serves as Vice President of the NMSU Graduate Student Council and previously interned with the City of Las Cruces.

Ryn Delgado grew up in El Rancho and Los Alamos and is earning her MA from Humboldt University in Berlin. A National Hispanic Scholar, she received a Davis Scholarship to attend Mahindra United World College India. During her time in the first co-ed class of Deep Springs College, Ryn was the first female student body president.

Ella Hutchinson grew up in Las Cruces where she served on the Student Advisory Council for the Las Cruces Public School District. She is graduating with her BA in Liberal Arts from St. Johns College in Santa Fe.

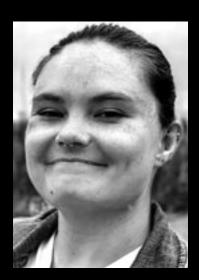
Camille Kruger grew up in Santa Fe and is earning her BA in Public Policy from the University of Chicago where she is serving as a research assistant on housing policy. She was selected as a Davis Scholar at United World College in Montezuma.

Lauren Leland grew up in Albuquerque and earned her BA in Mathematics and Rhetoric from the University of California, Berkeley. Lauren was a finalist for the Rhodes Scholarship, and she served as Field Director for State Senator Martin Hickey.

Alma McKown earned a BA in Mathematics at Pitzer and is now enrolled in the Public Policy Graduate Certificate Program at UNM. She completed a Fulbright Fellowship in Brazil and served as a bilingual math teacher at Hayes Middle School in Albuquerque.

Lynsey Pinto grew up in Ojo Amarillo, a small community in the Navajo Nation, earned her BS in Public Health at UNM and is now pursuing her MS in Public Health from Johns Hopkins University. She previously worked for the New Mexico Department of Health.

Cole Washburn grew up in Albuquerque and is graduating with a BA in English from the University of Chicago, where he was a founding member of the Indigenous Student Association. In 2024 he was selected for a Udall Foundation Native American Congressional Internship.



Staff Profile: Katie Gutierrez

Katie Gutierrez returned to New Mexico in the summer of 2024 to become Think New Mexico's inaugural Tax, Budget, and Economic Development Reform Director after spending three years teaching Economics at Williams College in western Massachusetts.

Katie grew up in the East Mountains, where her family has lived for 12 generations. She spent afternoons after school at her grandparents' house, picking apples, riding dirt bikes, voraciously reading, watching PBS, and foraging for quelites. In high school, she spent a semester in Portugal as an exchange student — an experience which stoked her inquisitive and open-minded spirit.

She attended the University of New Mexico for her Bachelors, Masters, and now PhD in economics, and is proud to be a product of New Mexico's public education system. Her research and teaching in economics explore themes of food insecurity, social justice, education, inequality, and public assistance. Among other topics, she has researched the impact of food taxes and state lotteries, topics Think New Mexico has also focused on.

At Think New Mexico, Katie focuses on analyzing the costs and benefits of our policy reforms. She works with the rest of the staff and community stakeholders to develop and fine-tune policy proposals. Her current research includes a study of the credit land-scape in New Mexico since the enactment of Think New Mexico's 2022 law ending predatory lending — as well as the ways financial technology companies are trying to circumvent the state's cap on interest rates.

"It is very rewarding to be directly involved in the policy process," Katie says. "I became an economist to gain the skills to understand effective policy, and at Think New Mexico I get to engage in hands-on advocacy for those policies as part of a great team."

Katie loves to travel, hike, cook, garden, foster stray kittens, and is passionate about food-related mutual aid. She enjoys learning about her ancestry, including stories of family members on both sides of the 1680 Pueblo Revolt, and a grandfather among the U.S. forces that liberated the Dachau concentration camp during WWII. She feels a strong tie to the land and people of New Mexico, and she finds immense fulfilment working to improve the lives of her friends and neighbors with Think New Mexico.

Statement of Income and Expenditures

INCOME

Bequests	27,307
Business Contributions	10,363
Capital Campaign Contributions	852,256
Foundation Grants	486,282
Individual Contributions	964,548
Interest Income	49,163
Rental Income	111,739
Sale of Reports & Online Store Items	2,881
Total Income	\$2,504,539

EXPENDITURES

Audit/Accounting	10,278
Benefits: Health, Dental & Disability Insuran	
Benefits: 401K Matching & Fees	46,828
Building & Property Maintenance & Security	23,658
Computer Consulting & Website	10,398
Depreciation	51,211
Development	7,050
Educational Outreach	4,700
Graphic Design	3,796
Insurance	12,842
Internship Pay & Program Expenses	19,330
Legal Fees	5,099
Marketing	1,486
Miscellaneous	12,200
Mortgage Interest	78,809
Online Vendor Processing & Bank Fees	3,476
Payroll Taxes	47,431
Polling/Research/Dues	1,547
Postage	26,320
Printing & Bulk Copying	105,051
Property Tax	10,866
Rent/Utilities Expense	30,322
Salaries	589,242
Stewardship/Board Expenses/Travel	5,709
Subscriptions	4,730
Supplies	7,971
Telephone & Internet	4,696
Total Expenses	\$1,195,155





In 2024, Think New Mexico's fundraising expense as a percentage of operating income (total income excluding capital campaign contributions) was 6.4%. Think New Mexico's administrative overhead expense as a percentage of operating income was 3.9%.

NOTES:

- 1) These financial statements reflect the consolidated accounts of Think New Mexico and ThinkNMRE, LLC, a controlled affiliate that holds the property at 505 Don Gaspar Avenue in Santa Fe.
- 2) The statement of income and expenditures does not include in-kind contributions of services or materials from 2024, which were valued at \$18,198. It also does not include unrealized investment appreciation.

FINANCIAL SUMMARY

Year Ended Dec. 31, 2024

Balance Sheet

ASSETS

Cash & Cash Equivalents	956,052	
Investments	2,678,898	
Investments: Endowment Funds		
Education Reform	24,986	
Healthcare Reform	386,106	
Operating Endowment	270,050	
Tax/Budget/Econ Dev.	345,718	
Udall-Carruthers Internship	111,081	
Pledges Receivable	25,000	
Prepaid Expenses	8,238	
Property and Equipment *	2,672,922	
(505 Don Gaspar Ave.)		
Total Assets	\$7,479,051	

LIABILITIES

Accounts Payable	15,515
Note Payable on Property	1,070,480
Tenant Security Deposits	6,500
Total Liabilities	\$1 092 495

NET ASSETS

With donor restrictions	1,328,427	
Without donor restrictions	5,058,129	
Total Net Assets	\$6,386,556	
Total Liabilities		
and Net Assets	\$7,479,051	

^{*} Net of accumulated depreciation.

Source for pages 22 — 23: Financial Statements for the year ended December 31, 2024. Independent auditors: Taylor, Roth & Company.

FOUNDATION PARTNERS

ABCD Fund of the

Santa Fe Community Foundation

Jonathan & Kathleen Altman Foundation

Anchorum Health Foundation

Atrisco Heritage Foundation

Azalea Fund of the

Community Foundation for Northeast Florida

Big Wave Dave's Infinite Gift Fund

Bingaman Foundation

Bridges Fund

Brindle Foundation

Cabin Fund of the

Santa Fe Community Foundation

Candelaria Fund

Caprock Fund of the Tides Foundation

Barbara S. Cardozo &

Benjamin M. Cardozo Foundation

Chase Foundation

Con Alma Health Foundation

Delle Foundation

ECMC Foundation

Effective Families Fund of the

Albuquerque Community Foundation

Eli Farmer Fund of the

New Mexico Foundation

Emma Trust

Celia Lipton Farris & Victor W. Farris

Foundation Fund of the

Santa Fe Community Foundation

Foster Foundation, Inc.

Foundation for Sustainable Living

The Fund

Gale Family Foundation

Gift4Giving Program

Hanna and Matthew Foundation

Harbor Oaks Foundation

John H. Hart Foundation

George Holloway, Jr. Memorial

Charitable Gift Fund

Hunt Family Foundation

Independent Community Foundation, Inc

(JANUARY 1, 2024-MAY 1, 2025)

The Jesse Fund

Keeler Foundation

Michael & Alice Kuhn Foundation

Laughing Buddha Fund of the

Greater New Orleans Foundation

The Laurel Fund of the

New Mexico Foundation

Liberty Ranch Infinite Possibilities Fund of the

Santa Fe Community Foundation

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Environmental Foundation

Mumford Family Foundation, Inc.

Nash Foundation

Thomas R. Nickoloff Family Foundation

Para Los Ninos Fund of the

Albuquerque Community Foundation

Pomegranate Fund of the

Jewish Communal Fund

Pond Bay Charitable Gift Fund

The Ponderosa Social Action Fund

S.B. Foundation

Sandia Foundation

Santa Fe Community Foundation

Scandia Foundation

Second Anonymous Fund of the

Santa Fe Community Foundation

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SLF Foundation

The Small Acts Fund

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New York Community Trust

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Thornburg Foundation

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The Dwight & Carolyn Tope Fund

The Turnip Top Foundation

Van Essen Family Foundation

Doris Goodwin Walbridge Foundation, Inc.

Wellsprings Family Foundation

Esther & Morton Wohlgemuth Foundation

Wolf Run Foundation

Individual Social Investors (JANUARY 1, 2024-MAY 1, 2025)

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Catherine A. Allen
Garrett & Emily Allen
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Linda & Carl Alongi
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Tim & Lucia Amsden
Ann Anderson
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In 2024, Think New Mexico received the top rating from Charity Navigator.

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What's a "Social Investor?" We call our contributors "social investors" because we believe that nonprofits should be evaluated based on the social return they produce each year. For example, our supporters invested about \$1.54 million into our work in 2024, and that investment resulted in the passage of legislation establishing a permanent trust fund for Medicaid, creating a lasting asset for

New Mexicans that will soon grow to a value of \$2 billion and generate \$100 million a year for health care.

Featured on these pages are Think New Mexico social investors and friends wearing their Think New Mexico "thinking caps" around the world. Their names and locations are listed on the back inside cover.



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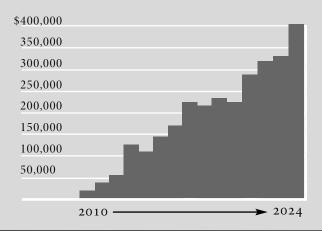
"I would like to share with you how much your 2022 publication A Roadmap for Rethinking Public Education in New Mexico has shaped my view of the current state of education in NM and has been a guide to my ability to best serve as Board President of the Grants Cibola County Schools. When my mother learned of my interest

in running for the board, she shared with me your newly published roadmap, and I have since used it as though it is the Bible for education in New Mexico. Thank you!"

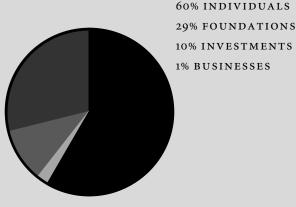
Caroline Burnett PhD

THE HONORABLE FRANCIE LEE, CHAIR, GRANTS CIBOLA COUNTY SCHOOL BOARD, GRANTS, NEW MEXICO, FEBRUARY 18, 2025

Think New Mexico's Online Fundraising Campaign Grew by More than 1900% from 2010-2024



Individual Social Investors Provided the Majority of Think New Mexico's 2024 Revenues



Thanks to the incredible generosity of our social investors, Think New Mexico's annual online fundraising campaign has grown from \$20,950 in its first year to \$406,030 this past year. As a result,

we have never had to hire a professional fundraiser or hold a fundraising event, and our small staff is able to spend the rest of the year focused on our policy research and advocacy work.

F. T. Cloak Jr.

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Our 89 "Monthly Amigos" make automatic monthly donations to Think New Mexico from their banks or credit cards. The Amigos listed below have signed up to make contributions ranging from \$5 – \$300 a month. Their recurring gifts provide Think New Mexico with a steady, predictable income throughout the year, and they never have to remember to mail us a check!

If you'd like to become a Monthly Amigo, you can easily sign up to make a recurring donation via PayPal on the "Support" page of our website, and you can change the amount of your donation or cancel it at any time. If you're interested in becoming a Monthly Amigo without using PayPal, please give us a call at (505) 992-1315.

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Members of the Turquoise Legacy Circle (TLC) help sustain our work over the long term by including Think New Mexico in their estate plans. We are honored by the generosity of the following TLC members who have let us know

that they included Think New Mexico in their wills or designated Think New Mexico as the beneficiary of a retirement account. For more information on making a legacy gift, please visit our website or call us at (505) 992-1315.

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LEGACY DONOR PROFILE: AMB. GLENN FERGUSON & PATRICIA FERGUSON



Ambassador Glenn Walker Ferguson and Patricia Head Ferguson met as high school students in the Washington D.C. area and dedicated their lives to public service within the federal government and numerous nonprofits. Glenn served as the first Peace Corps director in Thailand and then as the first director of Volunteers in Service to America (VISTA) before being appointed as U.S. Ambassador to Kenya. He also served as the head of Radio Free Europe-Radio Liberty, President of the Lincoln Center for the Performing Arts, a member of the Council on Foreign Relations, and president of four universities (Long Island University, Clark University, the University of Connecticut and the American University of Paris). Patricia shared Glenn's passion for travel and service, and she volunteered with the International Refugee Committee, assisted local artisans in Niger, and served as a trustee of Mary Washington College while raising their three children. She also climbed Mt. Kilimanjaro twice! The Fergusons retired to Santa Fe in 1998, where Glenn authored five books and Patricia served on the boards of Aid to Artisans, Cornerstones, and the Governor's Mansion Foundation.

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If you own an Individual Retirement Account and are age 72 or older, you are eligible to receive tax benefits if you transfer up to \$100,000 directly from your IRA to Think New Mexico. The transfer will count toward fulfilling the required minimum distribution from your IRA and will not be considered part of your gross income for federal tax purposes.

For more information on donating from your IRA, just give us a call at (505) 992-1315 and we'll give you all the information you need to make the transfer. Then simply contact the financial services company that serves as your IRA custodian and let them know that you would like to make a Qualified Charitable Distribution to Think New Mexico from your IRA.

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If you have any questions or would like to donate your vehicle call CARS at 1-877-411-3662 (be sure to tell them that the donation is for Think New Mexico) or visit the "Support" page of our website.

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You can find the store on our website at: http://www.thinknewmexico.org/online-store

Left: 2023 Leadership Interns model Think New Mexico shirts & sweats

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"Thinking Cap" Photos

- PAGE 25: Mark Roosevelt at SantaCafe in Santa Fe
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- PAGE 29: U.S. Senators Tom Udall and Martin Heinrich at the Paso del Norte Port of Entry, U.S.- Mexico border
- PAGE 30: Leadership Interns Alex Schweitzer Kroll, Nathan Slota, and Joaquin Romero at Think New Mexico's headquarters in Santa Fe
- PAGE 33: Witkin Nathan in Santa Fe, New Mexico
- PAGE 34: Harri Rinta on the Lofoten Islands off the coast of Norway
- PAGE 35: Barrett Toan and Paul Bardacke in Santa Fe
- PAGE 37: Think New Mexico's five supporters from San Antonio, NM, population 70, at the Owl Bar and Cafe in San Antonio

Acknowledgments

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