



# Southwest Women's Law Center

# NEWS

June 2011 Volume 6, Issue 1

SWLC Executive Director Jane Wishner was selected by the Albuquerque Alliance for Health Care Quality to be its Consumer Representative at a national conference to address health quality improvement and health care disparities. The conference, organized by the Robert Wood Johnson Foundation, is part of a multi-year initiative to transform health care and further engage consumers in health care decisions.

## SWLC Files Amicus Brief in Support of Nontraditional Families on Behalf of Nat'l. Assoc. of Social Workers

The Southwest Women's Law Center filed an amicus brief before the New Mexico Supreme Court in support of child custody determinations for non-traditional families including gay and lesbian parents. The case involves a lesbian couple who jointly raised a child for nine years. One member of the couple adopted the child from Russia, which does not allow same-sex parents to adopt. The case raises the question of whether a non-biological and non-adoptive parent has standing to petition for child custody. If the Supreme Court agrees that the petitioner has standing, the case will be returned to the lower court for a hearing to decide if she should be awarded custody. SWLC believes that parentage, who gets to be a parent, what makes a family, and ensuring that the children of unmarried parents have the same rights as the children of married parents are critical issues. SWLC aims to ensure that a diverse range of families have access to equal protection under the law.

SWLC also signed on to two amicus briefs in the legal fight over federal health reform in *Liberty University v. Timothy Geithner and Commonwealth of Virginia ex. Rel. Cuccinelli v. Sebelius*. The issue in both these cases is the constitutionality of the federal Patient Protection and Affordable Care Act (ACA). SWLC has joined women's advocates from around the country in arguing that the ACA is constitutional and should be upheld by the courts. In *Virginia v. Sebelius* the District Court found the ACA unconstitutional as a violation of Congress' powers under the Interstate Commerce Clause. The District Court in *Liberty University v. Geithner* dismissed the case on the government's motion finding there were no constitutional issues with the ACA. Both cases are now before the Fourth Circuit Court of Appeals. The amicus briefs the SWLC signed on to in both cases argue that: (1) the ACA improves women's access to health care and health insurance and eliminates insurance practices that discriminate against and disadvantage women; (2) the ACA is a reasonable component of a comprehensive plan responding to a national crisis in health care; and (3) the ACA follows a tradition of civil rights laws that fall firmly within Congress' Commerce Clause power.

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## SWLC Mission

Create opportunities for women to realize their full economic & personal potential by:

- Eliminating gender bias, discrimination and harassment
- Lifting women and their families out of poverty
- Ensuring that all women have full control over their reproductive lives through access to comprehensive reproductive health services and information

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## Letter from the President



The Southwest Women's Law Center has been busy. We continue to advocate on women's issues and this issue of the newsletter focuses on the advocacy the Center has been conducting about Title IX, particularly in sports and cheerleading. (A little known fact is that I was a high school cheerleader, and I strongly believe that it helped me with performance and leadership skills). I am very proud of the Center's work in ensuring access to sports opportunities for young women and girls. Sports opportunities are an incredible outlet for talent and a great learning opportunity about teamwork and leadership. Not to mention, just plain fun! I also want to mention that Title IX is not just about sports opportunities, although that is what the media tends to report about. Title IX specifically refers to all educational opportunities. That includes science and math courses and extracurricular activities, vocational training opportunities, Chess Club, and intramural sports; even gang intervention programs are areas of potential consideration.

I am sure that at a policy level, all courses are probably open to all students, male or female, but attracting girls to vocational education courses can be important. These areas of high school study offer higher wages for students who are not college bound. Studies report that gains for girls and women in vocational education programs in high schools since the passage of Title IX are modest. My son teaches chess to children through his own business, called Learner's Chess Academy. We have both noticed the persistent difference in female and male participation, and to his credit, he is thinking about different strategies to attract girls to Chess so that they can get the academic benefits offered by this strategy game. Intramural sports programs need to be as available to girls as to boys, and gang intervention programs need to consider their impact on young women as well as on young men. While they structure the activities and opportunities differently, schools need to continue to offer equal educational opportunities as mandated by Title IX. So, while there is still a lot of work to be done, I am very proud of the strides the Southwest Women's Law Center is making to ensure equal educational opportunities for girls and women. And, the Center staff-- Jane, Linda, Dorene, and Kyle are an amazing and effective team!

As always, we very much appreciate your support for the work of the Center,

Warmly,

Antoinette Sedillo Lopez

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## Founders of the Southwest Women's Law Center

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Jane Wishner and Robert Rosenberg

# The Roundhouse Takes a few Interesting Turns in the 2011 Legislative Session

By Julianna Koob, SWLC's Legislative Advocate

The 2011 Legislative Session had many lobbyists and legislators scratching their heads and trying to predict which direction the policy wind would blow. The first day of the session started with a fight for Speaker. Although Speaker Lujan kept this important position, a different type of leadership would have to be implemented with only a slim majority-minority split in the House (36 Democrat, 33 Republican, 1 Independent). The changes from the 2010 election also changed the landscape for the issues that SWLC cares about.

1. **A HEALTHCARE EXCHANGE BILL PASSED THE LEGISLATURE AND WAS VETOED BY THE GOVERNOR!** In the early morning (just after midnight) of the last day of the legislative session, SB 38/370 passed the House with a 45-minute floor debate. We had been working the votes all day. Although the bill was almost the same as when it passed the Senate with a bi-partisan vote (36-3), the bill only narrowly passed the House with a 34-31 vote. SB 38/370 was vetoed by the Governor.
2. **THE HEALTHCARE REFORM WORKGROUP CONTINUATION BILL PASSED.** Senate Joint Memorial 1 passed both the Senate and House and did not go to the Governor for signature or veto, so it has passed. Under the direction of the NM Insurance Pool Director (Debbie Armstrong), the workgroup will continue its efforts to make recommendations on implementing federal health care reform in New Mexico.
3. **ANTI-CHOICE BILLS FAILED TO PASS THE LEGISLATURE.** Legislators introduced more anti-choice legislation this session than many advocates on the Coalition For Choice could ever remember being introduced before. Legislators introduced the following bills to limit access to reproductive healthcare, all of which failed to pass:
  - a. Required a parent to be notified before a minor could seek an abortion (this can be dangerous to the minor, with her seeking illegal abortion care - particularly where she has been a victim of rape or incest).
  - b. Prohibited late term abortions, without a Constitutionally sufficient exception for the health of the pregnant woman.
  - c. Prohibited access to abortion based on non-scientific articles that argue a fetus feels pain at a certain stage.
  - d. Prohibit school health clinics from talking with students about reproductive healthcare (this would have included any information about birth control, and even about menstruation).
4. **CIVIL LEGAL SERVICES FUNDING THAT PROVIDES LAWYERS TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT WAS CUT, BUT PROTECTED FROM CRIPPLING CUTS.** CLS funding initially faced a 30% cut to its state funding. SWLC worked with coalition members to protect this critical funding for low-income New Mexicans, including victims of domestic and sexual violence, successfully narrowing the cut to 17%.
5. **BILLS THAT RESTRICTED THE RIGHTS OF GAY AND LESBIAN COUPLES DID NOT PASS,** including "Defense of Marriage" bills and constitutional amendments and a bill restricting custody rights.
6. **BILLS THAT WOULD HAVE HARMED IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT DID NOT PASS.** Although a driver's license repeal passed the house after consuming 2 and ½ days of debate time, it did not pass the whole process, due to unresolved differences between the Senate and House on the language of the bill.
7. **THE MEDICAID BUDGET REMAINED INTACT, OVERALL:** Medicaid remained funded at \$88 million throughout the legislative process. The Governor had added \$10 million to the Medicaid budget and this remained throughout the process, but the legislature removed \$3 million from the supplemental budget, resulting in a \$7 million net gain. Unfortunately, the end result is still a shortage when viewed in terms of enrollment growth. Disability Rights New Mexico reports that Medicaid remains under-funded by about \$88 million due to enrollment growth. Transfers from other budget items will address a portion of this shortage, but HSD has stated its plans to slow enrollment growth to address the remaining shortage and is now launching an effort to redesign the New Mexico Medicaid program. Overall, Medicaid is in much better shape than we expected it to be since federal match funding has decreased and will continue to decrease.

THANK YOU! The SWLC works within many coalitions to accomplish its important advocacy efforts. Thank you coalition allies! Thanks also to the legislators who provided courageous leadership in protecting the rights of women and girls in the 2011 Legislative Session.

## Title IX is 39 Celebration in the Round House:

### The First Year of Reporting Girls' Athletics Participation Rates in New Mexico High Schools and Middle Schools

On January 21, 2011, the Southwest Women's Law Center (SWLC) hosted a "Title IX is 39" celebration at the New Mexico State Capital. The event was scheduled during the regular session of the State Legislature to remind Legislators of the purpose of Title IX and our recently enacted State Athletics Equity Act (SAEA) that mandates reporting high school and middle school athletics participation and financial numbers by all schools in New Mexico. The SAEA was passed during the 2009 legislative session as a priority on the SWLC legislative agenda.

SWLC invited all legislators to the event. Aluminum water bottles were designed with the slogan "Title IX: Girls Sports Matter" for distribution to legislators and attendees.

On the day of the event, the Capital Rotunda was set up with a podium and chairs for participants. Water bottles were personally delivered to the offices of the legislators with an invitation to attend the event. A joint session of the Legislature broke simultaneously with the beginning of the celebration so we had excellent attendance – approximately 50 members of the Legislature and the public.

Antoinette Sedillo Lopez, SWLC Board President, opened the event by emphasizing the importance of Title IX with a focus on the New Mexico SAEA. The first speaker was Kit Vela, University of New Mexico Women's Soccer Coach. She spoke of the importance of Title IX in her life and introduced University of New Mexico Women's Soccer Team Captain Jael Fanning. Jael spoke about how participation in athletics has improved her life: increased self-esteem, leadership skills, communication skills, and interpersonal skills.

Various Legislators then spoke about Title IX and the SAEA. The Chairs of both the Senate and House Education Committees spoke, as did the sponsor of the SAEA. The following Legislators spoke:

- Sen. Sue Wilson Beffort (R), Bernalillo, Sandoval, Santa Fe and Torrance counties;
- Rep. Mimi Stewart (D), Bernalillo County, member Legislative Education Study Committee;
- Rep. Eleanor Chavez (D), Bernalillo County, advisory member Legislative Education Study Committee;
- Rep. Jane E. Powdrell-Culbert (R), Sandoval County;
- Rep. George Dodge (D), DeBaca, Curry, Guadalupe, and Roosevelt Counties;
- Rep. Danice Picraux (D), Bernalillo County, sponsor of SAEA and House Memorial 8 in Support of Title IX is 39
- Rep. Rick Miera (D), Bernalillo County, Chair House Education Committee, Vice Chair Legislative Education Study Committee; and
- Sen. Cynthia Nava (D), Dona Ana County, Chair Senate Education Committee, Chair Legislative Education Study Committee.



*Claudia Medina, Camilia Schan, Antoinette Sedillo Lopez, Jane Wishner, Dorene Kuffer, SWLC Legislative Committee Member Martha Burk, Kyle Marie Stock*



*Lady Lobos Soccer Team Captain Jael Fanning, NMAA Associate Director Sally Marquez, Camila Schan*

Highlights of the legislative comments include those by new State Representative George Dodge. As a former high school principal and coach and athletic director, he spoke to the ease of compliance with both Title IX and the state reporting requirements. During her comments, Senator Nava made reference to the use of the state reporting law to improve compliance rather than as a weapon to file law suits.

After the legislators finished speaking, Camila Schan, an Albuquerque High School student and soccer player spoke eloquently about playing the game as well as what the non-sports impact of participation has been in her life. Camila also mentioned the positive impact playing sports has on girls; referring to abstention from drugs and lowering teen pregnancy rates.

Next, Sally Marquez, Associate Director of the New Mexico Activities Association (NMAA) spoke about the effect of Title IX in New Mexico and about the collaboration between the Association and the SWLC. Sally asked Camila and Jael to join her at the podium and stated, “the reason this is so important is because of girls/young women such as these.”

The event was very successful and significant for the Center’s work on Title IX. In 2010, a bill was passed that would have delayed all of the reporting requirements of the SAEA. Governor Richardson vetoed that delay bill. This year, our event reminded the Legislators that girls’ sports are important and they should keep that in the forefront of their minds should legislation be introduced to weaken the reporting requirements. Unlike 2010, this year, no bill was introduced that would have delayed or diluted the School Athletics Equity Act. In August, schools will report their first year of athletic participation information under the new reporting law.



*Jael Fanning and Camila Schan*



*Senator Rick Miera*



*Senator Cynthia Nava*



*Senator Sue Wilson Beffort*

## Changes Coming to Medicaid at the State and Federal Level

The State of New Mexico is set to make changes to its Medicaid program over the coming months. In March of this year the New Mexico Human Services Department issued a request for proposals for a Medicaid redesign. On May 11th the department selected Alicia Smith & Associates to fulfill the contract. HSD chose Alicia Smith & Associates based on its proposed framework for how to ensure Medicaid's long-term sustainability.

Currently, the Medicaid program is the largest provider of reproductive health services to low-income women. According to the Kaiser Family Foundation, more than half of all births in New Mexico are paid for with Medicaid funds. In addition, many New Mexico women access family planning services through Medicaid including contraceptives and testing and treatment for sexually transmitted infections (STI's). The Southwest Women's Law Center will be monitoring the redesign process as it goes forward and will work to ensure that women's health care services are maintained.

In addition to the changes at the state level, members of Congress have put forth two particularly harmful proposals

to change the way Medicaid is funded. In late April, the United States House of Representatives passed a budget proposal developed by Rep. Paul Ryan (R-WI) which would convert Medicaid to a block grant program. Earlier in the month, Sen. McCaskill (D-MO) and Sen. Corker (R-TX) introduced a bill that would cap federal spending on many public health programs including Medicaid.

These two bills are incredibly detrimental to the health of women in New Mexico. Both the Ryan budget and the McCaskill-Corker budget will dramatically reduce federal funding for Medicaid. This will result in a reduction in the number of women able to access Medicaid and the types of services they will be able to obtain. The Medicaid program is designed so that the federal government and state government share the cost of providing care. The federal match rate varies state by state. Currently the federal government provides about seventy percent of the funds needed to operate New Mexico's Medicaid program.

Although the Ryan and McCaskill-Corker budgets use different methods, they will both result in serious cuts.

The Ryan budget contains a provision that will convert Medicaid from the matching system to a block grant program. Under this proposal, each state would receive a set, finite amount of funding for its Medicaid program. According to the Kaiser Commission on Medicaid and the Uninsured, under the Ryan budget New Mexico will receive 34.8% less federal Medicaid dollars. The McCaskill-Corker budget aims to cap total federal spending. Essentially, the federal government will be prohibited from spending any additional money once it hits a pre-set limit. Both a conversion to a block grant and a spending cap ignore the Medicaid program's need for flexibility due to changing enrollment levels. The Center on Budget and Policy Priorities estimates that the McCaskill-Corker proposal would result in Medicaid funding cuts of 20 percent by 2025 and over 40 percent by 2050.

Medicaid provides health care services to approximately one in four New Mexicans. Given the importance of the Medicaid program to the health of New Mexico's women, the Southwest Women's Law Center will be carefully monitoring the state redesign project as well as the federal budget proposals.

## SWLC Continues Its Advocacy for Effective Implementation of Federal Health Care Reform

The Southwest Women's Law Center continues to advocate for effective, patient-centered implementation of the federal health care reform law – the Affordable Care Act – in a manner that maximizes coverage of the uninsured and meets the health care needs of women and their families throughout New Mexico. The purpose of SWLC's work is to maximize health insurance coverage and access to comprehensive health care services for all New Mexico women, especially the most vulnerable women in our state: low-income women, women of color, immigrant women, Native American women, and women with limited English proficiency. To accomplish these goals, we know that it is essential for New Mexico to establish strong community and patient-centered systems of implementation.

SWLC has also joined the Albuquerque Alliance for Health Care Quality, one of 17 alliances in the United States participating in a significant national initiative sponsored by the Robert Wood Johnson Foundation to increase health care quality for patients. The Albuquerque Alliance is part of the national Aligning Forces for Quality Initiative (AF4Q) that brings together all stakeholders in the health care system. SWLC seeks to build bridges between the work of the Albuquerque Alliance to improve health quality and the Affordable Care Act's promise of increased access to services.



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## Why Does New Mexico Need a Women's Law Center?

- One in three New Mexican women will experience domestic abuse in their lifetimes
- One in four New Mexican women will experience sexual assault
- New Mexico has the highest teen pregnancy rate in the U.S.
- New Mexico has the 2nd highest rate of uninsured women in the country
- New Mexico has the 7th highest rate of women living in poverty in the U.S., and the poverty rate for women in New Mexico is nearly 30% higher than the poverty rate for men

The Southwest Women's Law Center also recognizes that for women of color, these rates are even worse and are part of larger systemic problems that need systemic solutions. We believe that these facts can and must change. SWLC strives to harness the power of law, research, and creative collaborations to change these realities and to create greater opportunities for women and girls in New Mexico to fulfill their personal and economic potential.

## BECOME A SUPPORTER!

*Send your tax-deductible contribution to:*  
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## CONTACT THE CENTER

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