This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HEALTH; ENACTING A NEW SECTION OF THE PUBLIC ASSISTANCE ACT TO CLARIFY ELIGIBILITY FOR AND COVERAGE OF CERTAIN SERVICES PROVIDED TO NON-CITIZENS HSEIC\textsuperscript{GR}; REQUIRING GUIDANCE FOR HEALTH CARE PROVIDERS; DECLARING AN EMERGENCY\textsuperscript{GR}. 

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Assistance Act is
enacted to read:

"[NEW MATERIAL] EMERGENCY MEDICAL SERVICES FOR ALIENS HSEIC HSEIC PROGRAM FOR NON-CITIZENS HSEIC .--

A. In accordance with federal law, the secretary shall adopt and promulgate rules that provide medical assistance to non-citizens with an emergency medical condition, who meet all medicaid eligibility requirements, but are not in an immigration status that qualifies for medicaid.

B. For purposes of this section, "emergency medical condition" means any condition manifesting itself with acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

   (1) the patient's death;
   (2) placing the patient's health in serious jeopardy;
   (3) serious impairment to bodily functions; or
   (4) serious dysfunction of any bodily organ or part.

C. The medical conditions described in Subsection B of this section include:

   (1) labor and delivery, including inductions and cesarean sections; or
   (2) a disease or potential exposure to a disease that has caused the declaration of a public health
emergency pursuant to the federal Public Health Service Act or a state public health emergency pursuant to the Public Health Emergency Response Act.

D. HSEIC→Services described in Paragraph (2) of Subsection C of this section shall be covered for the duration of the federal or state public health emergency. Services Covered services shall include:

(1) those necessary to immunize against, evaluate or treat an emergency medical condition described in Paragraph (2) of Subsection C of this section, including diagnostic testing, testing-related services, medications, treatment for the emergency medical condition and any complications or co-infections as determined by the department, medical supplies, precautionary treatment following services and vaccinations and such services shall be covered for the duration of the federal or state public health emergency; and

(2) labor and delivery services provided by an out-of-state border hospital or emergency transfers from an in-state acute care hospital to a border acute care hospital.

E. A child of a mother eligible for emergency services for labor and delivery services shall be deemed eligible for medicaid as of date of the child's birth.

F. The department shall:

(1) make applications for the
emergency medical \textit{HSEIC-services-HSEIC} \textit{HSEIC-program-HSEIC}
for non-citizens available through the same process and methods as other categories of medicaid;

(2) approve an eligible individual's application for \textit{HSEIC-the-HSEIC} emergency medical \textit{HSEIC-services-HSEIC} \textit{HSEIC-program-HSEIC} for non-citizens for a period of twelve months, including up to ninety days prior to the individual's application;

(3) provide an eligible individual with a card documenting the individual's eligibility for \textit{HSEIC-the-HSEIC} emergency medical \textit{HSEIC-services-HSEIC} \textit{HSEIC-program-HSEIC} for non-citizens;

(4) notify providers of approval or denial of applications for \textit{HSEIC-the-HSEIC} emergency medical \textit{HSEIC-services-HSEIC} \textit{HSEIC-program-HSEIC} for non-citizens through the department's online portal; and

(5) notify providers and the eligible individual if a claim for services is denied.

G. Claims for payment of services covered by \textit{HSEIC-the-HSEIC} emergency medical \textit{HSEIC-services-HSEIC} \textit{HSEIC-program-HSEIC} for non-citizens shall be made by the provider to the department in the same manner as fee-for-service medicaid."

\textit{HSEIC-SECTION 2. A new section of the Public Assistance
Act is enacted to read:

"[NEW MATERIAL] GUIDANCE TO PROVIDERS.--The department shall provide health care providers with guidance on accessing, prioritizing and maximizing available federal sources of claims reimbursement for services furnished to immunize against, evaluate or treat an emergency medical condition described in Paragraph (2) of Subsection C of Section 1 of this 2021 act."

SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately. HSEIC