AN ACT

RELATING TO HEALTH; REQUIRING PROVISION OF HEALTH-RELATED
BENEFITS AND SERVICES FOR INDIGENT PATIENTS REGARDLESS OF
IMMIGRATION STATUS.

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

SECTION 1. ELIGIBILITY FOR STATE OR LOCAL HEALTH
BENEFITS.--

A. A state or local health benefit shall be
provided to all non-citizens, regardless of immigration
status, if they meet all other qualifying criteria for such
benefit.

B. For purposes of this section:

(1) "health care services" means treatment
and services designed to promote improved health, including
primary care, prenatal care, dental care, behavioral health
care, provision of prescription drugs, preventive care or
health outreach services, provided by a state agency, county,
local government or state educational institution named in
Article 12, Section 11 of the constitution of New Mexico or
an entity with which the state agency, county, local
government or state educational institution named in Article
12, Section 11 of the constitution of New Mexico contracts to
provide such services; and

(2) "state or local health benefit" means
any health benefit for which payments, assistance or health care services are provided to an individual, household or family eligibility unit by an agency of the state, a county, a local government or a state educational institution named in Article 12, Section 11 of the constitution of New Mexico or by appropriated funds of the state, a county, a local government or a state educational institution named in Article 12, Section 11 of the constitution of New Mexico, as permitted by federal law. "State or local health benefit" includes care or services for indigent persons or patients provided or funded pursuant to the Hospital Funding Act or the Indigent Hospital and County Health Care Act.

SECTION 2. Section 4-48B-8 NMSA 1978 (being Laws 1947, Chapter 148, Section 6, as amended) is amended to read:

"4-48B-8. SICK AND INDIGENT PERSONS--AGREEMENTS FOR CARE WITH STATE AND COUNTY AGENCIES.--Counties, by their county commissioners, are authorized to make agreements with state or county agencies or other agencies for the care of sick and indigent persons. Such care shall be provided to all non-citizens, regardless of immigration status, if they meet all other qualifying criteria for such care."

SECTION 3. Section 27-5-6 NMSA 1978 (being Laws 1965, Chapter 234, Section 6, as amended) is amended to read:

"27-5-6. POWERS AND DUTIES OF COUNTIES RELATING TO INDIGENT CARE.--A county:
A. may budget for expenditure on ambulance services, burial expenses, hospital or medical expenses for indigent residents of that county and for costs of development of a countywide or multicounty health plan. The combined costs of administration and planning shall not exceed the following percentages of revenues based on the previous fiscal year revenues for a fund that has existed for at least one fiscal year or based on projected revenues for the year being budgeted for a fund that has existed for less than one fiscal year. The percentage of the revenues in the fund that may be used for such combined administrative and planning costs is equal to the sum of the following:

1. ten percent of the amount of the revenues in the fund not over five hundred thousand dollars ($500,000);

2. eight percent of the amount of the revenues in the fund over five hundred thousand dollars ($500,000) but not over one million dollars ($1,000,000); and

3. four and one-half percent of the amount of the revenues in the fund over one million dollars ($1,000,000);

B. may accept contributions of public funds for county health care services, which shall be deposited in the fund;

C. may hire personnel to carry out the provisions
of the Indigent Hospital and County Health Care Act;

D. shall transfer to the state by the last day of
March, June, September and December of each year an amount
equal to one-fourth of the county's payment pursuant to
Section 27-5-6.2 NMSA 1978. This money shall be deposited in
the safety net care pool fund;

E. shall, in carrying out the provisions of the
Indigent Hospital and County Health Care Act, comply with the
standards of the federal Health Insurance Portability and
Accountability Act of 1996;

F. may provide for the transfer of money from the
fund to the county-supported medicaid fund to meet the
requirements of the Statewide Health Care Act; and

G. may contract with ambulance providers,
hospitals or health care providers for the provision of
services for indigent patients domiciled within the county;
such services shall be provided to all non-citizens,
regardless of immigration status, if they meet all other
qualifying criteria for such services."

SECTION 4. A new section of the Indigent Hospital and
County Health Care Act is enacted to read:

"NONDISCRIMINATION--INDIGENT PATIENTS.--Qualifying
hospitals and hospitals with which a county contracts to
provide for the services of indigent patients shall provide
those services for indigent patients, including financial
assistance, to all non-citizens, regardless of immigration status, if they meet all other qualifying criteria for such services."