

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL 296

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

AN ACT

RELATING TO PUBLIC ASSISTANCE; EXCLUDING TREATMENT FOSTER  
CARE PROGRAMS FROM THE MEDICAID MANAGED CARE PROGRAM;  
AMENDING AND ENACTING SECTIONS OF THE PUBLIC ASSISTANCE ACT;  
DECLARING AN EMERGENCY.

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

Section 1. Section 27-2-12.6 NMSA 1978 (being Laws  
1994, Chapter 62, Section 22) is amended to read:

"27-2-12.6. MEDICAID PAYMENTS--MANAGED CARE.--

A. Except as provided in Subsection D of this section, the department shall provide for a statewide, managed care system to provide cost-efficient, preventive, primary and acute care for medicaid recipients by July 1, 1995.

B. The managed care system shall ensure:

(1) access to medically necessary services,

1 particularly for medicaid recipients with chronic health  
2 problems;

3 (2) to the extent practicable, maintenance  
4 of the rural primary care delivery infrastructure;

5 (3) that the department's approach is  
6 consistent with national and state health care reform  
7 principles; and

8 (4) to the maximum extent possible, that  
9 medicaid-eligible individuals are not identified as such  
10 except as necessary for billing purposes.

11 C. The department may exclude nursing homes,  
12 intermediate care facilities for the mentally retarded,  
13 medicaid in-home and community-based waiver services and  
14 residential and community-based mental health services for  
15 children with serious emotional disorders from the provisions  
16 of this section.

17 D. The department shall exclude from the  
18 provisions of this section treatment foster care for all  
19 children eligible for medicaid and determined to be in need  
20 of such services."

21 Section 2. A new section of the Public Assistance Act  
22 is enacted to read:

23 "[NEW MATERIAL] TREATMENT FOSTER CARE--FEE-FOR-SERVICE  
24 REIMBURSEMENT.--The human services department shall redirect  
25 all general fund appropriations and federal funds  
appropriated or allocated for fiscal years 2000 and 2001 for  
support of treatment foster care under medicaid managed care

1 to support treatment foster care on a fee-for-service basis,  
2 with reimbursement provided after treatment recommendations  
3 are authorized by the children, youth and families  
4 department's children's review panel."

5 Section 3. EMERGENCY.--It is necessary for the public  
6 peace, health and safety that this act take effect  
7 immediately.

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