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SENATE BILL 254

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Timothy Z. Jennings

AN ACT

**RELATING TO HEALTH CARE; MANDATING THAT ELIGIBILITY BE
DETERMINED FOR APPLICANTS FOR THE DEVELOPMENTAL DISABILITIES
MEDICAID WAIVER PROGRAM; CREATING THE DEVELOPMENTAL
DISABILITIES MEDICAID WAIVER FUND; MAKING AN APPROPRIATION.**

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

**Section 1. DEVELOPMENTAL DISABILITIES MEDICAID WAIVER
PROGRAM - APPLICANTS - ENTITLEMENT. - -**

**A. Effective July 1, 2004, every applicant for
benefits pursuant to the developmental disabilities medicaid
waiver program shall have eligibility determined within three
months after filing an application with the department of
health.**

**B. An applicant for benefits pursuant to
Subsection A of this section whose eligibility is not**

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1 determined within three months of filing the application shall
2 be entitled to benefits as if the application has been
3 approved.

4 Section 2. DEVELOPMENTAL DISABILITIES MEDICAID WAIVER
5 FUND-- CREATION-- USE. -- The "developmental disabilities medicaid
6 waiver fund" is created in the state treasury. All earnings
7 of the fund shall be credited to the fund, and any unexpended
8 or unencumbered balance in the fund shall not revert to
9 another fund at the end of a fiscal year. Disbursements from
10 the fund shall be by warrant drawn by the secretary of finance
11 and administration pursuant to vouchers signed by the
12 secretary of health. Money in the fund is appropriated to the
13 department of health for:

14 A. providing the state match for medicaid services
15 for individuals eligible for the developmental disabilities
16 medicaid waiver program;

17 B. determining the eligibility of applicants on
18 the waiting list for the developmental disabilities medicaid
19 waiver program so that all applicants will have their
20 eligibility determined by July 1, 2004; and

21 C. otherwise administering the developmental
22 disabilities medicaid waiver program.

23 Section 3. APPROPRIATION. -- Twenty-five million dollars
24 (\$25,000,000) is appropriated from the general fund to the
25 developmental disabilities medicaid waiver fund for

. 134723. 2

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1 expenditure in fiscal year 2001 and subsequent fiscal years
2 for carrying out the provisions of this act; provided that no
3 more than one million five hundred thousand dollars
4 (\$1,500,000) shall be expended for administrative costs. Any
5 unexpended or unencumbered balance remaining at the end of a
6 fiscal year shall not revert.

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