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SENATE BILL 432

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

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO HEALTH CARE; CREATING AN OFFICE OF MEDICAID IN THE
SCHOOLS WITHIN THE STATE DEPARTMENT OF PUBLIC EDUCATION;
PROVIDING DUTIES; CREATING A MEDICAID IN THE SCHOOLS ADVISORY
COUNCIL; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. A new section of the Public School Code is
enacted to read:

" NEW MATERIAL OFFICE OF MEDICAID IN THE SCHOOLS--
DUTIES. --

A. The "office of medicaid in the schools" is
created in the department of education. The office shall be
headed by a director, appointed by the state superintendent.

B. The office of medicaid in the schools shall:

(1) administer the medicaid in the schools

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1 program pursuant to federal statute and regulations in such a
2 manner as will ensure that the program covers, to the maximum
3 allowed amount, fee-for-service and administrative services;

4 (2) adopt such rules as are necessary to
5 administer the medicaid in the schools program and establish
6 accountability measures and training schedules;

7 (3) consult with the medicaid in the schools
8 advisory council on all matters relating to medicaid in the
9 schools program policy;

10 (4) assist school districts in developing
11 local collaborative plans of operation for the medicaid in the
12 schools program;

13 (5) assess the status of the medicaid in the
14 schools program and its compliance with established guidelines
15 and rules; and

16 (6) report annually to the state board, the
17 legislative finance committee and the legislative education
18 study committee.

19 C. The human services department and the
20 department of education shall enter into an agreement
21 pertaining to the administration of the medicaid in the
22 schools program.

23 D. Any dispute arising among the department of
24 education, the human services department and the school
25 districts shall be settled by binding arbitration conducted

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1 pursuant to the Uniform Arbitration Act. "

2 Section 2. A new section of the Public School Code is
3 enacted to read:

4 "[NEW MATERIAL] MEDICAID IN THE SCHOOLS ADVISORY
5 COUNCIL-- CREATION-- DUTIES. --

6 A. The "medicaid in the schools advisory council"
7 is created. The council shall consist of eleven members as
8 follows:

9 (1) the director of the office of medicaid in
10 the schools;

11 (2) two members appointed by the president
12 pro tempore of the senate, one of whom shall be a parent of a
13 child currently enrolled in the medicaid in the schools
14 program;

15 (3) two members appointed by the speaker of
16 the house of representatives, one of whom shall be a parent of
17 a child currently enrolled in the medicaid in the schools
18 program;

19 (4) two members appointed by the governor,
20 one of whom shall be a parent of a child currently enrolled in
21 the medicaid in the schools program; and

22 (5) four members representing school
23 districts appointed by the state superintendent in such a
24 manner as to provide for regional representation.

25 B. The medicaid in the schools advisory council

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1 shall elect a chairman and such other officers as it deems
2 necessary, and shall meet at the call of the chairman but no
3 less than four times each fiscal year.

4 C. The public members of the medicaid in the
5 schools advisory council shall receive per diem and mileage
6 pursuant to the Per Diem and Mileage Act.

7 D. The office of medicaid in the schools shall
8 provide the staff for the medicaid in the schools advisory
9 council.

10 E. The medicaid in the schools advisory council
11 shall:

12 (1) study and evaluate the progress and
13 effectiveness of the medicaid in the schools program; and

14 (2) assist the office of medicaid in the
15 schools in developing state guidelines and providing input for
16 the state medicaid plan in order to maximize the operations of
17 the medicaid in the schools program."

18 Section 3. TEMPORARY PROVISION--TRANSFER.--On the
19 effective date of this act, all personnel, budgets, funds,
20 appropriations, records, contracts, equipment and other
21 property of the human services department used to administer
22 the medicaid in the schools program are transferred to the
23 state department of public education. All references to the
24 human services department or department of health in any
25 agreement, regulation, grant document or other legal document

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1 relating to the medicaid in the schools program shall be
2 deemed to refer to the state department of public education.

3 Section 4. APPROPRIATION. --Five hundred thousand dollars
4 (\$500,000) is appropriated from the general fund to the state
5 department of public education for expenditure in fiscal years
6 2001 and 2002 for the purpose of carrying out the provisions
7 of this act. Any unexpended or unencumbered balance remaining
8 at the end of fiscal year 2002 shall revert to the general
9 fund.

10 Section 5. EMERGENCY. --It is necessary for the public
11 peace, health and safety that this act take effect
12 immediately.