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SENATE BILL 641

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

INTRODUCED BY

Dede Feldman

AN ACT

**RELATING TO MEDICAID MANAGED CARE; REQUIRING THAT MENTAL AND
BEHAVIORAL HEALTH SERVICES BE PROVIDED SEPARATELY FROM
PHYSICAL HEALTH SERVICES; AMENDING A SECTION OF THE NMSA 1978;
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. 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,

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1 particularly for medicaid recipients with chronic health
2 problems;

3 (2) to the extent practicable, maintenance of
4 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~~] shall exclude nursing
12 homes, 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 mental and
18 behavioral health services from the provisions of this section
19 except that mental and behavioral health services may be
20 provided under a managed care program if the mental and
21 behavioral health services are furnished under an agreement or
22 contract separate from an agreement or contract for physical
23 health care services. The department shall separate the
24 budget and the administration of mental and behavioral health
25 services from physical health services in the medicaid

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program

E. The department shall mandate the use by managed care contractors of uniform criteria and forms for credentialing providers, level of care determinations, utilization review decisions, billing, appeal and grievances.

F. In developing any managed care plan to include mental and behavioral health services, the department shall consult with and take into consideration the recommendations of consumers, advocates, providers and other persons with interests in these services."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.