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SENATE BILL 812

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

INTRODUCED BY

Leonard Tsosie

AN ACT

RELATING TO PUBLIC ASSISTANCE; ALLOWING NATIVE AMERICANS TO
ELECT ENROLLMENT IN MEDICAID MANAGED CARE COVERAGE.

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,
particularly for medicaid recipients with chronic health
problems;

underscored material = new
[bracketed material] = delete

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

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

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

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

15 D. Any Native American medicaid-eligible
16 individual residing in New Mexico:

17 (1) shall be excluded by the department from
18 automatic enrollment in a managed care organization
19 contracting with the state to provide health care services to
20 medicaid-eligible individuals, unless that individual elects
21 to enroll in a medicaid managed care organization, including a
22 managed care organization created specifically to serve Native
23 Americans; and

24 (2) may choose to terminate his enrollment in
25 a managed care organization at any time by notifying his

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underscored material = new
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1 managed care organization that he is a Native American and
2 chooses to discontinue his enrollment in that managed care
3 organization. Rules limiting the time period when an enrolled
4 individual can opt out of the managed care organization shall
5 not apply to people who are Native American; or

6 (3) who chooses to remain with the statewide
7 managed care system shall have a choice among all medicaid
8 managed care organizations and if the person does not select
9 any specific medicaid managed care organization, then the
10 department shall automatically enroll the person in a managed
11 care organization that is controlled by the Navajo Nation or a
12 consortium of tribal governments, as geographically
13 appropriate, if such an organization becomes a managed care
14 provider pursuant to a contract or joint powers agreement
15 signed with the department.

16 E. The department is authorized to enter into a
17 joint powers agreement pursuant to the Joint Powers Agreements
18 Act with a managed care organization that is developed and
19 controlled by either the Navajo Nation or a consortium of
20 tribal governments. "