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SENATE JOINT MEMORIAL 52

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

INTRODUCED BY

Cisco McSorley

A JOINT MEMORIAL

**REQUESTING THE DEPARTMENT OF HEALTH, THE NEW MEXICO HEALTH
POLICY COMMISSION AND THE HUMAN SERVICES DEPARTMENT TO EVALUATE
THE PROVISION OF HEALTH CARE TO IMMIGRANTS, ESPECIALLY THOSE
DOCUMENTED IMMIGRANTS IN THE UNITED STATES FOR FEWER THAN FIVE
YEARS AND UNDOCUMENTED IMMIGRANTS.**

**WHEREAS, the United States congress passed the Personal
Responsibility and Work Opportunity Reconciliation Act of 1996,
which caused states to begin their temporary assistance for
needy families programs and changed the policy regarding public
assistance benefits in the United States, including changing
some policies regarding medicaid; and**

**WHEREAS, the Personal Responsibility and Work Opportunity
Reconciliation Act of 1996 denied any state or local public**

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1 benefits to undocumented immigrants, except as permitted by
2 state law; and

3 WHEREAS, undocumented immigrants cannot apply for health
4 care coverage under any county-sponsored indigent health
5 program in New Mexico as a result of the Personal
6 Responsibility and Work Opportunity Reconciliation Act of 1996;
7 and

8 WHEREAS, the Personal Responsibility and Work Opportunity
9 Reconciliation Act of 1996 allows states to "provide that an
10 alien who is not lawfully present in the United States is
11 eligible for any state or local public benefits for which such
12 alien would otherwise be ineligible"; and

13 WHEREAS, thousands of immigrants and their families have
14 lived and worked in New Mexico for generations, and their
15 contributions to the state are many; and

16 WHEREAS, New Mexico's citizens benefit from the labor,
17 taxes paid and cultural exchange of immigrants who may or may
18 not be here legally; and

19 WHEREAS, by providing health care to immigrants, the
20 medical community can help increase the contributions of
21 immigrants in New Mexico and ensure that the population is not
22 exposed to communicable diseases that should be diagnosed and
23 treated by the medical community; and

24 WHEREAS, some of the taxes paid by all immigrants help to
25 pay for indigent health care in communities around the state;

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1 and

2 WHEREAS, it costs the state less money to provide health
3 care on a preventative or as-needed basis in a clinic than
4 under serious or critical conditions in an emergency room; and

5 WHEREAS, the university of New Mexico hospital is a
6 training hospital, but because of the present law our training
7 hospital trains residents and students to ignore the needs of
8 undocumented and newly arrived immigrant patients; and

9 WHEREAS, New Mexico had the opportunity to and did adopt
10 the federal option to provide medicaid to immigrants who were
11 in the country as of August 22, 1996; and

12 WHEREAS, New Mexico has taken no action to provide health
13 care to legal immigrants who came into the state after August
14 22, 1996 and who cannot receive medicaid benefits during the
15 first five years they are in the United States; and

16 WHEREAS, the restrictions in the Personal Responsibility
17 and Work Opportunity Reconciliation Act of 1996 do not affect
18 eligibility for many immigrants currently residing in the
19 United States, although if the restrictions are continued, many
20 more immigrants in the state will not have access to basic
21 preventative medical care, and the impact over time to the
22 people of New Mexico will increase as more new immigrants enter
23 the country and bring with them curable illnesses; and

24 WHEREAS, New Mexico can begin the process of providing
25 health care to immigrants by providing health care to legal

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1 immigrants who have been in the country for fewer than five
2 years; and

3 WHEREAS, the Albuquerque city council recently declared
4 Albuquerque to be an immigrant-friendly city, and Santa Fe has
5 been immigrant friendly for a number of years; and

6 WHEREAS, the New Mexico health policy commission supports
7 legislation expanding populations served by county indigent
8 funds; and

9 WHEREAS, New Mexico sets aside money for the county-
10 supported indigent funds, and much of that money is not used by
11 the counties to provide health care, and the counties
12 repeatedly seek to spend the unused portion on services other
13 than health care;

14 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
15 STATE OF NEW MEXICO that a study be conducted by the department
16 of health, the New Mexico health policy commission and the
17 human services department regarding the means by which indigent
18 persons, regardless of their immigration status, can receive
19 health care and other public benefits for which they are now
20 ineligible; and

21 BE IT FURTHER RESOLVED that a report of the findings of
22 the study be presented to the interim legislative health and
23 human services committee by November 2001; and

24 BE IT FURTHER RESOLVED that copies of this memorial be
25 transmitted to the secretary of health, the secretary and

1 deputy secretaries of human services and the chairman of the
2 New Mexico health policy commission.

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