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SENATE BILL 385

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO COUNTIES; SETTING HEALTH CARE PROVIDER  
REIMBURSEMENT RATES FOR HEALTH CARE DELIVERED TO PERSONS IN  
COUNTY JAIL CUSTODY.

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

Section 1. HEALTH CARE PROVIDER REIMBURSEMENT--  
EXCEPTION.--

A. Except as provided in Subsection C of this  
section, a county shall reimburse a person that provides health  
care, including mental health care, to a person in the custody  
of a county jail as follows:

(1) the county shall reimburse a medicaid  
provider, as defined in Subsection D of Section 27-11-2 NMSA  
1978, at the lesser of:

(a) the rate at which the human services

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1 department reimburses the provider for medicaid recipients, as  
2 defined in Subsection F of Section 27-11-2 NMSA 1978; and

3 (b) the lowest rate that the provider  
4 charges any payer for the same care; and

5 (2) the county shall reimburse a provider that  
6 is not a medicaid provider but that accepts reimbursement from  
7 the state for all or part of a patient's care at the lesser of:

8 (a) the lowest rate that the state  
9 reimburses the provider for the same care pursuant to another  
10 program; and

11 (b) the lowest rate that the provider  
12 charges to any payer for the same care.

13 B. Unless a county law enforcement agency  
14 determines otherwise, a provider shall disclose the lowest rate  
15 that the provider charges to any payer for care it delivers.

16 C. Notwithstanding the provisions of Subsection A  
17 of this section, a county may enter into agreements with health  
18 care providers to set rates that differ from the provisions of  
19 Subsection A of this section.