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HOUSE BILL 189

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO PUBLIC HEALTH FINANCING; EXPANDING THE DEFINITION OF "COUNTY" IN THE INDIGENT HOSPITAL AND COUNTY HEALTH CARE ACT TO INCLUDE A CLASS A COUNTY WITH A COUNTY HOSPITAL OPERATED AND MAINTAINED PURSUANT TO A LEASE WITH A STATE EDUCATIONAL INSTITUTION NAMED IN ARTICLE 12, SECTION 11 OF THE CONSTITUTION OF NEW MEXICO.

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

SECTION 1. Section 27-5-4 NMSA 1978 (being Laws 1965, Chapter 234, Section 4, as amended) is amended to read:

"27-5-4. DEFINITIONS.--As used in the Indigent Hospital and County Health Care Act:

A. "alcohol rehabilitation center" means an agency of local government, a state agency, a private nonprofit entity or combination thereof that operates alcohol abuse

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1 rehabilitation programs that meet the standards set by the
2 department of health;

3 B. "ambulance provider" or "ambulance service"
4 means a specialized carrier based within the state authorized
5 under provisions and subject to limitations as provided in
6 individual carrier certificates issued by the public regulation
7 commission to transport persons alive, dead or dying en route
8 by means of ambulance service. The rates and charges
9 established by public regulation commission tariff shall govern
10 as to allowable cost. Also included are air ambulance services
11 approved by the board. The air ambulance service charges shall
12 be filed and approved pursuant to Subsection D of Section
13 27-5-6 NMSA 1978 and Section 27-5-11 NMSA 1978;

14 C. "board" means a county indigent hospital and
15 county health care board;

16 D. "commission" means the New Mexico health policy
17 commission or the commission's successor agency;

18 E. "cost" means all allowable costs of providing
19 health care services, to the extent determined by resolution of
20 a board, for an indigent patient. Allowable costs shall be
21 based on medicaid fee-for-service reimbursement rates for
22 hospitals, licensed medical doctors and osteopathic physicians;

23 F. "county" means a county [~~except~~], including a
24 class A county with a county hospital operated and maintained
25 pursuant to a lease with a state educational institution named

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1 in Article 12, Section 11 of the constitution of New Mexico;

2 G. "department" means the human services
3 department;

4 H. "drug rehabilitation center" means an agency of
5 local government, a state agency, a private nonprofit entity or
6 combination thereof that operates drug abuse rehabilitation
7 programs that meet the standards and requirements set by the
8 department of health;

9 I. "fund" means a county indigent hospital claims
10 fund;

11 J. "health care provider" means:

12 (1) a nursing home;

13 (2) an in-state home health agency;

14 (3) an in-state licensed hospice;

15 (4) a community-based health program operated
16 by a political subdivision of the state or other nonprofit
17 health organization that provides prenatal care delivered by
18 New Mexico licensed, certified or registered health care
19 practitioners;

20 (5) a community-based health program operated
21 by a political subdivision of the state or other nonprofit
22 health care organization that provides primary care delivered
23 by New Mexico licensed, certified or registered health care
24 practitioners;

25 (6) a drug rehabilitation center;

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1 (7) an alcohol rehabilitation center;
2 (8) a mental health center;
3 (9) a licensed medical doctor, osteopathic
4 physician, dentist, optometrist or expanded practice nurse when
5 providing emergency services, as determined by the board, in a
6 hospital to an indigent patient; or

7 (10) a licensed medical doctor or osteopathic
8 physician, dentist, optometrist or expanded practice nurse when
9 providing services in an outpatient setting, as determined by
10 the board, to an indigent patient with a life-threatening
11 illness or disability;

12 K. "health care services" means treatment and
13 services designed to promote improved health in the county
14 indigent population, including primary care, prenatal care,
15 dental care, provision of prescription drugs, preventive care
16 or health outreach services, to the extent determined by
17 resolution of the board;

18 L. "hospital" means a general or limited hospital
19 licensed by the department of health, whether nonprofit or
20 owned by a political subdivision, and may include by resolution
21 of a board the following health facilities if licensed or, in
22 the case of out-of-state hospitals, approved by the department
23 of health:

24 (1) for-profit hospitals;
25 (2) state-owned hospitals; or

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1 (3) licensed out-of-state hospitals where
2 treatment provided is necessary for the proper care of an
3 indigent patient when that care is not available in an in-state
4 hospital;

5 M. "indigent patient" means a person to whom an
6 ambulance service, a hospital or a health care provider has
7 provided medical care, ambulance transportation or health care
8 services and who can normally support the person's self and the
9 person's dependents on present income and liquid assets
10 available to the person but, taking into consideration the
11 person's income, assets and requirements for other necessities
12 of life for the person and the person's dependents, is unable
13 to pay the cost of the ambulance transportation or medical care
14 administered or both; provided that if the definition of
15 "indigent patient" is adopted by a board in a resolution, the
16 definition shall not include any person whose annual income
17 together with that person's spouse's annual income totals an
18 amount that is fifty percent greater than the per capita
19 personal income for New Mexico as shown for the most recent
20 year available in the survey of current business published by
21 the United States department of commerce. Every board that has
22 a balance remaining in the fund at the end of a given fiscal
23 year shall consider and may adopt at the first meeting of the
24 succeeding fiscal year a resolution increasing the standard for
25 indigency; "indigent patient" includes a minor who has received

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1 ambulance transportation or medical care or both and whose
2 parent or the person having custody of that minor would qualify
3 as an indigent patient if transported by ambulance, admitted to
4 a hospital for care or treated by a health care provider;

5 N. "medicaid eligible" means a person who is
6 eligible for medical assistance from the department;

7 O. "mental health center" means a not-for-profit
8 center that provides outpatient mental health services that
9 meet the standards set by the department of health;

10 P. "planning" means the development of a countywide
11 or multicounty health plan to improve and fund health services
12 in the county based on the county's needs assessment and
13 inventory of existing services and resources and that
14 demonstrates coordination between the county and state and
15 local health planning efforts;

16 Q. "public entity" means a state, local or tribal
17 government or other political subdivision or agency of that
18 government;

19 R. "sole community provider hospital" means:

20 (1) a hospital that is a sole community
21 provider hospital under the provisions of the federal medicare
22 guidelines; or

23 (2) an acute care general hospital licensed by
24 the department of health that is qualified, pursuant to rules
25 adopted by the state agency primarily responsible for the

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1 medicaid program, to receive distributions from the sole
2 community provider fund; and

3 S. "tribal" means of or pertaining to a federally
4 recognized Indian nation, tribe or pueblo."

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