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HOUSE MEMORIAL 71

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Idalia Lechuga-Tena

A MEMORIAL

REQUESTING THE HUMAN SERVICES DEPARTMENT TO CONVENE A WORKING GROUP TO RECOMMEND MEASURES TO VERIFY DELIVERY OF SERVICES TO PREVENT MEDICAID FRAUD AND ABUSE.

WHEREAS, more than eight hundred thousand New Mexicans receive medicaid benefits, with medicaid enrollment at its highest point in the state's history; and

WHEREAS, medicaid fraud and abuse is of vital concern to the state, as it impacts significant levels of federal and state funding; and

WHEREAS, federal law requires medicaid agencies to have a method for verifying with recipients whether services billed by providers were received; and

WHEREAS, it does not appear that an explanation of benefits is being provided to every medicaid recipient in New

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1 Mexico, nor are other mechanisms mandated to ensure that billed  
2 services are actually received by the recipient; and

3 WHEREAS, privately insured individuals receive  
4 explanations of benefits from their health insurers explaining  
5 what services were paid for on their behalf, including the date  
6 and description of the service; and

7 WHEREAS, individuals with chronic illnesses or behavioral  
8 or developmental disabilities or who receive home health care  
9 may be unable to personally verify that services were provided,  
10 and in such instances, an explanation of benefits may not be  
11 the most effective means to verify the delivery of services;  
12 and

13 WHEREAS, technology-based verification of services is a  
14 valuable tool used by many states to detect medicaid fraud and  
15 abuse; and

16 WHEREAS, Texas requires a provider agency to use an  
17 electronic visit verification system to record service delivery  
18 in the home or in the community; and

19 WHEREAS, Missouri has implemented an electronic telephone  
20 tracking system, known as "telephony", for the purpose of  
21 reporting and verifying the delivery of services;

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
23 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the human  
24 services department be requested to convene a working group of  
25 stakeholders to address measures, including explanation of

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1 benefits and electronic or telephonic verification systems, to  
2 verify that medicaid recipients, in particular those with  
3 chronic illnesses or behavioral or developmental disabilities  
4 or who receive home health care, are in fact receiving the  
5 services that are billed; and

6 BE IT FURTHER RESOLVED that the working group be composed  
7 of experts in the field of medicaid fraud prevention, in  
8 addition to an equal number of medicaid recipients, or family  
9 members or guardians of recipients, who receive home health  
10 care, behavioral health services or services for people with  
11 disabilities; and

12 BE IT FURTHER RESOLVED that the working group report its  
13 findings and recommendations, including an estimate of the  
14 costs associated with implementation of such recommendations,  
15 to the legislative health and human services committee by no  
16 later than August 1, 2016; and

17 BE IT FURTHER RESOLVED that copies of this memorial be  
18 transmitted to the secretary of human services, the director of  
19 the medical assistance division of the human services  
20 department and the chair and vice chair of the legislative  
21 health and human services committee.