

1 SENATE BILL 558

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Pete Campos

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10 AN ACT

11 RELATING TO HEALTH CARE; REQUIRING THE HEALTH CARE AUTHORITY TO
12 SUBMIT AN APPLICATION TO THE FEDERAL CENTERS FOR MEDICARE AND
13 MEDICAID SERVICES TO DEVELOP A HOME-BASED HEALTH CARE MEDICAID
14 WAIVER PROGRAM FOR PERSONS WHO ARE SIXTY-FIVE YEARS OF AGE OR
15 OLDER AND DIAGNOSED WITH A CHRONIC DEBILITATING DISEASE; MAKING
16 AN APPROPRIATION; DECLARING AN EMERGENCY.

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

19 SECTION 1. A new section of the Public Assistance Act is
20 enacted to read:

21 "[NEW MATERIAL] HOME-BASED HEALTH CARE MEDICAID WAIVER.--

22 A. As used in this section:

23 (1) "chronic debilitating disease" means a
24 disease that persists over a long period of time, impairs a
25 person's physical or mental abilities and significantly impacts

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1 a person's quality of life; and

2 (2) "home-based health care" means health care
3 services provided to a person in the person's home or place of
4 residence. "Home-based health care" includes the following
5 services provided in a person's home or place of residence:

- 6 (a) skilled nursing;
- 7 (b) home health aide services;
- 8 (c) palliative care;
- 9 (d) primary care;
- 10 (e) personal care services;
- 11 (f) in-home respite care;
- 12 (g) physical therapy;
- 13 (h) occupational therapy;
- 14 (i) speech therapy; and
- 15 (j) non-emergency medical

16 transportation.

17 B. No later than August 1, 2025, the authority
18 shall submit an application to the federal centers for medicare
19 and medicaid services for authorization to develop and
20 implement a medicaid waiver program that would provide home-
21 based health care services to individuals who are sixty-five
22 years of age or older and diagnosed with a chronic debilitating
23 disease. If the federal centers for medicare and medicaid
24 services approves the waiver application, the authority shall
25 promulgate rules to implement and administer the waiver

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1 program, subject to the availability of state funds and
2 consistent with the federal Social Security Act. The rules
3 shall:

4 (1) be developed in consultation with persons
5 with chronic debilitating diseases and health care providers;

6 (2) create an application process to allow
7 people to apply to participate in the waiver program; and

8 (3) provide for a system of home-based health
9 care services that seniors with chronic debilitating diseases
10 can access."

11 SECTION 2. APPROPRIATION.--Two million dollars
12 (\$2,000,000) is appropriated from the general fund to the
13 health care authority for expenditure in fiscal years 2025 and
14 2026 to develop a waiver application for a home-based health
15 care program for people who are sixty-five years of age or
16 older and diagnosed with a chronic debilitating disease. Any
17 unexpended or unencumbered balance remaining at the end of
18 fiscal year 2026 shall revert to the general fund.

19 SECTION 3. EMERGENCY.--It is necessary for the public
20 peace, health and safety that this act take effect immediately.