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AN ACT
RELATING TO HEALTH CARE; REQUIRING THE HEALTH CARE AUTHORITY
TO IMPLEMENT AN OPEN ELECTRONIC VISIT VERIFICATION SYSTEM
THAT IS COMPLIANT WITH FEDERAL LAW.

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

SECTION 1. A new section of the Health Care Code is
enacted to read:

"OPEN ELECTRONIC VISIT VERIFICATION SYSTEM.--

A. For the purposes of this section:

(1) "aggregator system" means a centralized,
state-approved system designed to collect and store
electronic visit verification data from various service
providers that is compatible with each provider's chosen
electronic visit verification system;

(2) "electronic visit verification system"
means a system that verifies the provision of personal care
and home health services and includes, at a minimum, the
following information as required under the federal 21st
Century Cures Act:

- (a) the type of service performed;
- (b) the person receiving the service;
- (c) the date of the service;
- (d) the location of service delivery;
- (e) the person providing the service;

1 and

2 (f) the time the service begins and
3 ends;

4 (3) "medicaid recipient" means a person whom
5 the authority has determined to be eligible to receive
6 medicaid-related services in the state; and

7 (4) "provider" means a person or any legal
8 or commercial entity licensed or certified to provide home
9 health care or personal care services to medicaid recipients.

10 B. The authority shall adopt an open electronic
11 visit verification system that:

12 (1) allows providers to choose to use any
13 electronic visit verification system that meets the
14 requirements of the federal 21st Century Cures Act; and

15 (2) uses a centralized aggregator system to
16 collect and report electronic visit verification data from
17 all provider systems for submission to the federal centers
18 for medicare and medicaid services. The aggregator system
19 shall be:

20 (a) interoperable with all electronic
21 visit verification systems used by providers in the state;
22 and

23 (b) capable of collecting and storing
24 all data required by the federal 21st Century Cures Act.

25 C. To implement the provisions of this section,

1 the authority shall:

2 (1) adopt an aggregator system that is in
3 compliance with state and federal law;

4 (2) provide guidance to providers on
5 acceptable electronic visit verification systems and how to
6 interface with the aggregator system; and

7 (3) adopt rules necessary for administration
8 of this section, including:

9 (a) specific standards for the
10 aggregator system;

11 (b) procedures for ongoing monitoring,
12 auditing and reporting of electronic visit verification data
13 to ensure compliance with federal law;

14 (c) data privacy protections; and

15 (d) requirements for providers."

16 SECTION 2. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is January 1, 2026. _____

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