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HOUSE BILL 293

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Rick Miera

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO DEVELOPMENTAL DISABILITIES; PROVIDING FOR AN  
ANNUAL COST-OF-LIVING INCREASE FOR DEVELOPMENTAL DISABILITIES  
SERVICE PROVIDERS.

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

Section 1. Section 28-16A-16 NMSA 1978 (being Laws  
1993, Chapter 50, Section 16) is amended to read:

"28-16A-16. DETERMINATION OF RATES FOR PAYMENT FOR  
SUPPORT AND SERVICES.--

A. The department shall develop, implement and  
maintain a provider reimbursement system based on the level  
of support and services required by a person with a  
developmental disability.

B. If the approved funding from the legislature  
does not permit the implementation of a reimbursement system  
using the considerations provided for in this section, the

underscored material = new  
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1 department shall develop and implement a service reduction  
2 plan.

3 C. The department shall develop and include  
4 annually in its budget request submitted to the governor and  
5 the legislative finance committee a specific request for a  
6 cost-of-living increase for service providers. If the  
7 legislature approves funding for this item, the department  
8 shall, at the beginning of each fiscal year, increase  
9 payments to developmental disabilities service providers by  
10 the precise cost-of-living increase percentage amount  
11 approved by the legislature. In developing its cost-of-  
12 living budget request, the department shall use the health  
13 care financing administration basket index inflation factor.

14 [~~E.~~] D. The department shall report to the  
15 legislature and the governor the impact of any service  
16 reduction plans and the steps that will be taken to reinstate  
17 those services.

18 [~~D.~~] E. The department shall report annually to  
19 the legislature and the governor an estimate of the costs of  
20 maintaining support and services for persons with  
21 developmental disabilities being served, including the  
22 effects of changes in the costs of providing support and  
23 services, an estimate of the costs of providing support and  
24 services to persons that are eligible for service but not  
25 receiving services and the request of the department for  
funding of services.

[~~E.~~] F. Contractors shall be required to submit

underscoring material = new  
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1 records of support and services delivered as determined by  
2 the department, subject to monitoring by the department.

3 ~~[F-]~~ G. Contingent upon appropriations, the  
4 department shall conduct an independent biannual cost study  
5 for the purpose of establishing payment rates. The results  
6 of this study shall be submitted to the legislature."

7 Section 2. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2002.

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