

AN ACT

RELATING TO HEALTH CARE; CREATING AN OFFICE OF MEDICAID IN THE SCHOOLS WITHIN THE STATE DEPARTMENT OF PUBLIC EDUCATION; PROVIDING DUTIES; CREATING A MEDICAID IN THE SCHOOLS ADVISORY COUNCIL.

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

Section 1. A new section of the Public School Code is enacted to read:

"OFFICE OF MEDICAID IN THE SCHOOLS--DUTIES.--

A. The "office of medicaid in the schools" is created in the department of education. The office shall be headed by a director, appointed by the state superintendent.

B. The office of medicaid in the schools shall:

(1) administer the medicaid in the schools program pursuant to federal statute and regulations in such a manner as will ensure that the program covers, to the maximum allowed amount, fee-for-service and administrative services;

(2) adopt such rules as are necessary to administer the medicaid in the schools program and establish accountability measures and training schedules;

(3) consult with the medicaid in the schools advisory council on all matters relating to medicaid in the schools program policy;

(4) assist school districts in developing local collaborative plans of operation for the medicaid in the schools program;

(5) assess the status of the medicaid in the schools program and its compliance with established guidelines and rules; and

(6) report annually to the state board, the legislative finance committee and the legislative education study committee.

C. The human services department and the department of education shall enter into an agreement pertaining to the administration of the medicaid in the schools program.

D. Any dispute arising among the department of education, the human services department and the school districts shall be settled by binding arbitration conducted pursuant to the Uniform Arbitration Act. "

Section 2. A new section of the Public School Code is enacted to read:

"MEDICAID IN THE SCHOOLS ADVISORY COUNCIL-- CREATION-- DUTIES. --

A. The "medicaid in the schools advisory council" is created. The council shall consist of eleven members as follows:

(1) the director of the office of medicaid in the schools;

(2) two members appointed by the president pro tempore of the senate, one of whom shall be a parent of a child currently enrolled in the medicaid in the schools program;

(3) two members appointed by the speaker of the house of representatives, one of whom shall be a parent of a child currently enrolled in the medicaid in the schools program;

(4) two members appointed by the governor, one of whom shall be a parent of a child currently enrolled in the medicaid in the schools program; and

(5) four members representing school districts appointed by the state superintendent in such a manner as to provide for regional representation.

B. The medicaid in the schools advisory council shall elect a chairman and such other officers as it deems necessary, and shall meet at the call of the chairman but no less than four times each fiscal year.

C. The public members of the medicaid in the schools advisory council shall receive per diem and mileage pursuant to the Per Diem and Mileage Act.

D. The office of medicaid in the schools shall provide the staff for the medicaid in the schools advisory council.

E. The medicaid in the schools advisory council shall:

(1) study and evaluate the progress and effectiveness of the medicaid in the schools program; and

(2) assist the office of medicaid in the schools in developing state guidelines and providing input for the state medicaid plan in order to maximize the operations of the medicaid in the schools program. "

Section 3. TEMPORARY PROVISION--TRANSFER. --On the effective date of this act, all personnel, budgets, funds, appropriations, records, contracts, equipment and other property of the human services department used to administer the medicaid in the schools program are transferred to the state department of public education. All references to the human services department or department of health in any agreement, regulation, grant document or other legal document relating to the medicaid in the schools program shall be deemed to refer to the state department of public education.

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