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**SENATE BILL 82**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Timothy Z. Jennings**

**AN ACT**

**RELATING TO HEALTH; CHANGING CERTAIN DEFINITIONS IN THE  
INDIGENT HOSPITAL AND COUNTY HEALTH CARE ACT.**

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

**Section 1. Section 27-5-4 NMSA 1978 (being Laws 1965,  
Chapter 234, Section 4, as amended by Laws 1999, Chapter 37,  
Section 1 and also by Laws 1999, Chapter 270, Section 4) is  
amended to read:**

**"27-5-4. DEFINITIONS. --As used in the Indigent Hospital  
and County Health Care Act:**

**A. "ambulance provider" or "ambulance service"  
means a specialized carrier based within the state authorized  
under provisions and subject to limitations as provided in  
individual carrier certificates issued by the public  
regulation commission to transport persons alive, dead or**

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1 dying en route by means of ambulance service. The rates and  
2 charges established by public regulation commission tariff  
3 shall govern as to allowable cost. Also included are air  
4 ambulance services approved by the board. The air ambulance  
5 service charges shall be filed and approved pursuant to  
6 Subsection D of Section 27-5-6 NMSA 1978 and Section 27-5-11  
7 NMSA 1978;

8 B. "board" means a county indigent hospital and  
9 county health care board;

10 C. "indigent patient" means a person to whom an  
11 ambulance service, a hospital or a health care provider has  
12 provided medical care, ambulance transportation or health care  
13 services and who can normally support himself and his  
14 dependents on present income and liquid assets available to  
15 him but, taking into consideration this income and those  
16 assets and his requirement for other necessities of life for  
17 himself and his dependents, is unable to pay the cost of the  
18 ambulance transportation or medical care administered or both.  
19 If provided by resolution of a board, it shall not include any  
20 person whose annual income together with his spouse's annual  
21 income totals an amount that is fifty percent greater than the  
22 per capita personal income for New Mexico as shown for the  
23 most recent year available in the survey of current business  
24 published by the United States department of commerce. Every  
25 board that has a balance remaining in the fund at the end of a

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1 given fiscal year shall consider and may adopt at the first  
2 meeting of the succeeding fiscal year a resolution increasing  
3 the standard for indigency. The term "indigent patient"  
4 includes a minor who has received ambulance transportation or  
5 medical care or both and whose parent or the person having  
6 custody of that minor would qualify as an indigent patient if  
7 transported by ambulance or admitted to a hospital for care or  
8 treated by a health care provider or all three;

9 D. "hospital" means ~~any~~ a general or limited  
10 hospital licensed by the department of health, whether  
11 nonprofit or owned by a political subdivision, and may include  
12 by resolution of a board the following health facilities if  
13 licensed or, in the case of out-of-state hospitals, approved,  
14 by the department of health:

- 15 (1) for-profit hospitals;  
16 (2) state-owned hospitals; or  
17 (3) licensed out-of-state hospitals where  
18 treatment provided is necessary for the proper care of an  
19 indigent patient when that care is not available in an in-  
20 state hospital;

21 E. "cost" means all allowable ambulance  
22 transportation costs, medical care costs or costs of providing  
23 health care services, to the extent determined by resolution  
24 of a board, for an indigent patient. Allowable costs shall be  
25 determined in accordance with a uniform system of accounting

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1 and cost analysis as determined by regulation of a board,  
2 which includes cost of ancillary services but shall not  
3 include the cost of servicing long-term indebtedness of a  
4 hospital, health care provider or ambulance service;

5 F. "fund" means a county indigent hospital claims  
6 fund;

7 G. "medicaid eligible" means a person who is  
8 eligible for medical assistance from the department;

9 H. "county" means any county except a class A  
10 county with a county hospital operated and maintained pursuant  
11 to a lease with a state educational institution named in  
12 Article 12, Section 11 of the constitution of New Mexico;

13 I. "department" means the human services  
14 department;

15 J. "sole community provider hospital" means a  
16 hospital that is a sole community provider hospital under the  
17 provisions of the federal medicare guidelines established in  
18 42 C.F.R. 412.92 pursuant to Title 18 of the federal Social  
19 Security Act;

20 K. "drug rehabilitation center" means an agency of  
21 local government, a state agency, a private nonprofit entity  
22 or combination thereof that operates drug abuse rehabilitation  
23 programs that meet the standards and requirements set by the  
24 department of health;

25 L. "alcohol rehabilitation center" means an agency

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1 of local government, a state agency, a private nonprofit  
2 entity or combination thereof that operates alcohol abuse  
3 rehabilitation programs that meet the standards set by the  
4 department of health;

5 M. "mental health center" means a not-for-profit  
6 center that provides outpatient mental health services that  
7 meet the standards set by the department of health;

8 N. "health care provider" means:

9 (1) a nursing home;

10 (2) an in-state home health agency;

11 (3) an in-state licensed hospice;

12 (4) a community-based health program operated  
13 by a political subdivision of the state or other nonprofit  
14 health organization that provides prenatal care delivered by  
15 New Mexico licensed, certified or registered health care  
16 practitioners;

17 (5) a community-based health program operated  
18 by a political subdivision of the state or other nonprofit  
19 health care organization that provides primary care delivered  
20 by New Mexico licensed, certified or registered health care  
21 practitioners;

22 (6) a drug rehabilitation center;

23 (7) an alcohol rehabilitation center; ~~[or]~~

24 (8) a mental health center; or

25 (9) a licensed medical doctor, osteopathic

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1 physician, dentist, optometrist or expanded practice nurse  
2 when providing services in a hospital or outpatient setting  
3 that are necessary for conditions that endanger the life of or  
4 threaten permanent disability to an indigent patient;

5 0. "health care services" means all treatment and  
6 services designed to promote improved health in the county  
7 indigent population, including primary care, prenatal care,  
8 dental care, provision of prescription drugs, preventive care  
9 or health outreach services, to the extent determined by  
10 resolution of the board; [~~and~~]

11 P. "planning" means the development of a  
12 countywide or multicounty health plan to improve and fund  
13 health services in the county based on the county's needs  
14 assessment and inventory of existing services and resources  
15 and [~~which~~] that demonstrates coordination between the county  
16 and state and local health planning efforts; and

17 Q. "commission" means the New Mexico health policy  
18 commi ssi on. "