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SENATE BILL 143

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

INTRODUCED BY

Dede Feldman

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

**RELATING TO MEDICAL ASSISTANCE; CREATING A SPECIAL
PRESCRIPTION DRUG ASSISTANCE PROGRAM IN MEDICAID FOR CERTAIN
PERSONS SIXTY-FIVE AND OLDER; MAKING AN APPROPRIATION;
DECLARING AN EMERGENCY.**

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

**Section 1. SPECIAL PRESCRIPTION DRUG ASSISTANCE
PROGRAM - MEDICAID. --**

**A. The medical assistance division of the human
services department shall design and implement a special
prescription drug assistance program under the state's
medicaid program to provide only prescription drugs to certain
persons age sixty-five and older but no other medicaid
benefits. Implementation of the program shall be pursuant to
rules adopted by the department. The program shall be**

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1 consistent with the provisions of Title 19 of the federal
2 Social Security Act.

3 B. To be eligible for the special prescription
4 drug assistance program, a person shall:

5 (1) be sixty-five years of age or older and a
6 resident of New Mexico;

7 (2) not have a prescription drug benefit
8 pursuant to health insurance coverage or other private or
9 governmental health plans; and

10 (3) have income of no more than one hundred
11 percent of the federal poverty level, according to the levels
12 of income defining poverty by family size published annually
13 in the federal register by the United States department of
14 health and human services.

15 C. The human services department shall establish
16 by rule a definition of "income" in agreement with federal
17 supplemental security income program methodology for purposes
18 of determining eligibility pursuant to Paragraph (3) of
19 Subsection B of this section. The department shall utilize
20 the same income eligibility methodology for the special
21 prescription drug assistance program as is utilized for
22 medical assistance eligibility in the medicaid program.

23 D. If, in order to implement the special
24 prescription drug assistance program authorized in Subsections
25 A and B of this section, it is necessary to obtain a waiver

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1 pursuant to Section 1115 of the federal Social Security Act,
2 the human services department shall apply for the waiver no
3 later than July 1, 2001.

4 Section 2. APPROPRIATION--CONTINGENCY. --

5 A. Two million three hundred fifty-five thousand
6 dollars (\$2,355,000) is appropriated from the general fund to
7 the human services department for expenditure in fiscal years
8 2001 and 2002 in the following amounts for the following
9 purposes:

10 (1) two million one hundred fifty-five
11 thousand dollars (\$2,155,000) to provide a special
12 prescription drug assistance program in the state's medicaid
13 program for certain persons age sixty-five and older; and

14 (2) two hundred thousand dollars (\$200,000)
15 to apply for any necessary federal waiver and to administer
16 the special prescription drug assistance program, including
17 funds necessary for one full-time-equivalent employee
18 position.

19 B. Expenditure of this appropriation is contingent
20 upon the human services department receiving a waiver from the
21 federal health care financing administration of certain state
22 plan provisions required pursuant to Title 19 of the federal
23 Social Security Act.

24 C. Any unexpended or unencumbered balance
25 remaining at the end of fiscal year 2002 shall revert to the

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1 general fund.

2 Section 3. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect
4 immediately.

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