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SENATE BILL 689

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

INTRODUCED BY

Roman M. Maes III

AN ACT

**RELATING TO HEALTH CARE; AMENDING THE INDIGENT HOSPITAL AND
COUNTY HEALTH CARE ACT TO EXPAND THE DEFINITION OF "SOLE
COMMUNITY PROVIDER HOSPITAL"; RECONCILING CONFLICTING
AMENDMENTS.**

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**

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

10 B. "board" means a county indigent hospital and
11 county health care board;

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

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

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

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

23 E. "cost" means all allowable ambulance
24 transportation costs, medical care costs or costs of providing
25 health care services, to the extent determined by resolution

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1 of a board, for an indigent patient. Allowable costs shall be
2 determined in accordance with a uniform system of accounting
3 and cost analysis as determined by regulation of a board,
4 which includes cost of ancillary services but shall not
5 include the cost of servicing long-term indebtedness of a
6 hospital, health care provider or ambulance service;

7 F. "fund" means a county indigent hospital claims
8 fund;

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

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

15 I. "department" means the human services
16 department;

17 J. "sole community provider hospital" means:

18 (1) a hospital that is a sole community
19 provider hospital under the provisions of the federal medicare
20 guidelines established in 42 C.F.R. 412.92 pursuant to Title
21 18 of the federal Social Security Act; or

22 (2) an acute care general hospital licensed
23 by the department of health that is qualified, pursuant to
24 rules adopted by the state agency primarily responsible for
25 the medicaid program, to receive distributions from the sole

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1 community provider fund;

2 K. "drug rehabilitation center" means an agency of
3 local government, a state agency, a private nonprofit entity
4 or combination thereof that operates drug abuse rehabilitation
5 programs that meet the standards and requirements set by the
6 department of health;

7 L. "alcohol rehabilitation center" means an agency
8 of local government, a state agency, a private nonprofit
9 entity or combination thereof that operates alcohol abuse
10 rehabilitation programs that meet the standards set by the
11 department of health;

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

15 N. "health care provider" means:

16 (1) a nursing home;
17 (2) an in-state home health agency;
18 (3) an in-state licensed hospice;
19 (4) a community-based health program operated
20 by a political subdivision of the state or other nonprofit
21 health organization that provides prenatal care delivered by
22 New Mexico licensed, certified or registered health care
23 practitioners;

24 (5) a community-based health program operated
25 by a political subdivision of the state or other nonprofit

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1 health care organization that provides primary care delivered
2 by New Mexico licensed, certified or registered health care
3 practitioners;

4 (6) a drug rehabilitation center;

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

6 (8) a mental health center; or

7 (9) a licensed medical doctor, osteopathic
8 physician, dentist, optometrist or expanded practice nurse
9 when providing services in a hospital or outpatient setting
10 that are necessary for conditions that endanger the life of or
11 threaten permanent disability to an indigent patient;

12 0. "health care services" means all treatment and
13 services designed to promote improved health in the county
14 indigent population, including primary care, prenatal care,
15 dental care, provision of prescription drugs, preventive care
16 or health outreach services, to the extent determined by
17 resolution of the board; ~~[and]~~

18 P. "planning" means the development of a
19 countywide or multicounty health plan to improve and fund
20 health services in the county based on the county's needs
21 assessment and inventory of existing services and resources
22 and ~~[which]~~ that demonstrates coordination between the county
23 and state and local health planning efforts; and

24 Q. "commission" means the New Mexico health policy
25 commi ssi on. "