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**HOUSE JOINT MEMORIAL 46**  
**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

INTRODUCED BY  
Rick Miera

A JOINT MEMORIAL  
REQUESTING THE HUMAN SERVICES DEPARTMENT'S MEDICAL  
ASSISTANCE DIVISION TO AUTHORIZE AND MAKE DIRECT PAYMENTS  
TO SCHOOL DISTRICTS OF OUTSTANDING ADMINISTRATIVE TIME-  
STUDY CLAIMS AS AUTHORIZED BY THE JANUARY 1997 "MEDICAID  
REIMBURSEMENT FOR SCHOOL-LINKED SERVICES - A GUIDE FOR  
LOCAL EDUCATION AGENCIES" ("BROWN GUIDE") FOR SCHOOL  
DISTRICT PARTICIPATION IN THE "MEDICAID IN THE SCHOOLS"  
PROGRAM.

**WHEREAS, the New Mexico public schools have entered  
into a joint powers agreement with the human services  
department's medical assistance division and the state  
department of public education to participate in the  
medicaid in the schools program; and**

**WHEREAS, the participating school districts are**

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1 allowed to seek reimbursement for administrative  
2 activities performed by identified school district staff;  
3 and

4 WHEREAS, the joint powers agreement, signed by the  
5 identified parties, provides that payments made to school  
6 districts are subject to federal review and that the  
7 responsibility for repayment of unsubstantiated claims  
8 will be the burden of the participating school district;  
9 and

10  
11 WHEREAS, administrative payments to participating  
12 school districts have been withheld or partially paid by  
13 the human services department's medical assistance  
14 division for the second, third and fourth quarters of  
15 fiscal year 2000 and the first and second quarters of  
16 fiscal year 2001;

17 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF  
18 THE STATE OF NEW MEXICO that the human services  
19 department's medical assistance division be hereby  
20 requested to make payments to participating school  
21 districts as original school district administrative  
22 claims indicate and to comply with the provisions of the  
23 joint powers agreement as it applies to participating  
24 school districts; and  
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1           BE IT FURTHER RESOLVED that the human services  
2 department's medical assistance division be hereby  
3 requested to expeditiously make payments prior to the end  
4 of the participating school district's current budget  
5 calendar; and

6           BE IT FURTHER RESOLVED that representatives of the  
7 human services department's medical assistance division,  
8 participating school districts, the state department of  
9 public education and the health care financing authority  
10 enter into mediation and develop a clearly written  
11 interpretation of the "Brown Guide" and a jointly  
12 developed training process for participating school  
13 district staff to be completed before the end of the  
14 fourth quarter of fiscal year 2001; and

15           BE IT FURTHER RESOLVED that the human services  
16 department's medical assistance division and the state  
17 department of public education submit a joint report to  
18 the legislative finance committee and legislative  
19 education study committee that can be reviewed and acted  
20 upon during the second session of the forty-fifth  
21 legislature; and

22           BE IT FURTHER RESOLVED that copies of this memorial  
23 be transmitted to the medical assistance division of the  
24  
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human services department, the state department of public  
education and the health care financing authority.