

A JOINT MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH, THE NEW MEXICO HEALTH POLICY COMMISSION AND THE HUMAN SERVICES DEPARTMENT TO EVALUATE THE PROVISION OF HEALTH CARE TO IMMIGRANTS, ESPECIALLY THOSE DOCUMENTED IMMIGRANTS IN THE UNITED STATES FOR FEWER THAN FIVE YEARS AND UNDOCUMENTED IMMIGRANTS.

WHEREAS, the United States congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, which caused states to begin their temporary assistance for needy families programs and changed the policy regarding public assistance benefits in the United States, including changing some policies regarding medicaid; and

WHEREAS, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 denied any state or local public benefits to undocumented immigrants, except as permitted by state law; and

WHEREAS, undocumented immigrants cannot apply for health care coverage under any county-sponsored indigent health program in New Mexico as a result of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and

WHEREAS, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 allows states to "provide that an alien who is not lawfully present in the

United States is eligible for any state or local public benefits for which such alien would otherwise be ineligible"; and

WHEREAS, thousands of immigrants and their families have lived and worked in New Mexico for generations, and their contributions to the state are many; and

WHEREAS, New Mexico's citizens benefit from the labor, taxes paid and cultural exchange of immigrants who may or may not be here legally; and

WHEREAS, by providing health care to immigrants, the medical community can help increase the contributions of immigrants in New Mexico and ensure that the population is not exposed to communicable diseases that should be diagnosed and treated by the medical community; and

WHEREAS, some of the taxes paid by all immigrants help to pay for indigent health care in communities around the state; and

WHEREAS, it costs the state less money to provide health care on a preventative or as-needed basis in a clinic than under serious or critical conditions in an emergency room; and

WHEREAS, the university of New Mexico hospital is prohibited, under present law, from providing financial assistance for care to undocumented immigrants, except for emergency care and care for communicable diseases; and

WHEREAS, New Mexico had the opportunity to and did

adopt the federal option to provide medicaid to immigrants who were in the country as of August 22, 1996; and

WHEREAS, New Mexico has taken no action to provide health care to legal immigrants who came into the state after August 22, 1996 and who cannot receive medicaid benefits during the first five years they are in the United States; and

WHEREAS, the restrictions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 do not affect eligibility for many immigrants currently residing in the United States, although if the restrictions are continued, many more immigrants in the state will not have access to basic preventative medical care, and the impact over time to the people of New Mexico will increase as more new immigrants enter the country and bring with them curable illnesses; and

WHEREAS, New Mexico can begin the process of providing health care to immigrants by providing health care to legal immigrants who have been in the country for fewer than five years; and

WHEREAS, the Albuquerque city council recently declared Albuquerque to be an immigrant-friendly city, and Santa Fe has been immigrant friendly for a number of years; and

WHEREAS, the New Mexico health policy commission supports legislation expanding populations served by county indigent funds; and

WHEREAS, New Mexico sets aside money for the county-supported indigent funds, and much of that money is not used by the counties to provide health care, and the counties repeatedly seek to spend the unused portion on services other than health care;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that a study be conducted by the department of health, the New Mexico health policy commission and the human services department regarding the means, including but not limited to sliding scale copayments or community service, by which indigent persons, regardless of their immigration status, can receive health care and other public benefits for which they are now ineligible; and

BE IT FURTHER RESOLVED that a report of the findings of the study be presented to the interim legislative health and human services committee by November 2001; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretary of health, the secretary and deputy secretaries of human services and the chairman of the New Mexico health policy commission. \_\_\_\_\_