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**SENATE MEMORIAL 36**

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

**INTRODUCED BY**

**Leonard Tsosie**

**A MEMORIAL**

**REQUESTING THE PRESIDENT OF THE UNIVERSITY OF NEW MEXICO AND  
THE VICE PRESIDENT OF THE UNIVERSITY OF NEW MEXICO HEALTH  
SCIENCES CENTER TO REVIEW THE UNIVERSITY MEDICAL CENTER POLICY  
ON USE OF COUNTY INDIGENT HOSPITAL CLAIMS FUNDS TO ASSURE EQUAL  
ACCESS TO THOSE FUNDS BY NATIVE AMERICANS RECEIVING SERVICES AT  
UNIVERSITY OF NEW MEXICO MEDICAL CENTER FACILITIES AND TO  
REPORT TO AN APPROPRIATE LEGISLATIVE COMMITTEE NO LATER THAN  
JULY 1, 2001 REGARDING THE RESOLUTION OF THE MATTER.**

**WHEREAS, the main hospital in Bernalillo county that is  
charged with providing health care services to Native Americans  
is the university hospital, a facility of the university of New  
Mexico health sciences center; and**

**WHEREAS, Indian health services is billed for health care  
services provided to Native American residents of Bernalillo**

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1 county who utilize the university hospital; and

2 WHEREAS, the Indigent Hospital and County Health Care Act  
3 creates county indigent hospital claims funds in each county,  
4 and provides the counties with authority to levy taxes to pay  
5 for indigent claims that are not eligible for coverage through  
6 medicaid; and

7 WHEREAS, in fiscal year 2000, Indian health services paid  
8 five million dollars to university hospital for care provided  
9 to Native American patients and many of those patients could  
10 have been covered by Bernalillo county indigent hospital claims  
11 fund money; and

12 WHEREAS, one-half of the Native American patients came  
13 from the Albuquerque area Indian health service and the other  
14 half came from the Navajo area Indian health service or Indian  
15 health service areas outside of New Mexico; and

16 WHEREAS, in 63 Stat. 1049, a 1949 federal statute, a joint  
17 venture was authorized between the federal government,  
18 represented by the commissioner of Indian affairs acting on  
19 behalf of Indian health services, the board of county  
20 commissioners of Bernalillo county and the board of trustees of  
21 the Bernalillo county hospital to provide medical care to  
22 Native American people; and

23 WHEREAS, those entities entered into a contract on June  
24 16, 1952, in which the property now occupied by the university  
25 hospital and other university of New Mexico health sciences

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1 center facilities was taken out of trust for the tribes in New  
2 Mexico and deeded to Bernalillo county subject to provision of  
3 health care services to Indian people by the hospital in  
4 perpetuity, regardless of who the successors in interest in the  
5 university hospital would be; and

6 WHEREAS, many Native Americans who use the services of the  
7 university hospital live or shop in Bernalillo county and pay  
8 the taxes that pay for the operations and maintenance of the  
9 university of New Mexico health sciences center and yet they  
10 are not able to access the indigent funds paid for by their tax  
11 dollars;

12 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
13 OF NEW MEXICO that the policy on the use of county indigent  
14 hospital claims fund money by university hospital and other  
15 university of New Mexico health sciences center facilities be  
16 reviewed by the president of the university of New Mexico and  
17 the vice president of the university of New Mexico health  
18 sciences center to determine how to ensure that the claims for  
19 health care services for Native Americans receiving services at  
20 university of New Mexico health sciences center facilities and  
21 who are eligible to have their health care services paid from  
22 the Bernalillo county indigent hospital claims fund just as  
23 other eligible people have their claims paid from Bernalillo  
24 county indigent hospital claims fund money; and

25 BE IT FURTHER RESOLVED that the results of the review of

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1 the policy be presented to an appropriate interim committee no  
2 later than July 1, 2001; and

3 BE IT FURTHER RESOLVED that copies of this memorial be  
4 transmitted to the president of the university of New Mexico,  
5 the vice president of the university of New Mexico health  
6 sciences center and the director of the Indian health services  
7 in New Mexico.

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