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AN ACT

RELATING TO HEALTH CARE FOR INDIGENTS; REVISING REIMBURSEMENT
CRITERIA FOR CERTAIN SERVICES IN AN OUTPATIENT SETTING.

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

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

C. "indigent patient" means a person to whom an
ambulance service, a hospital or a health care provider has

1 provided medical care, ambulance transportation or health
2 care services and who can normally support himself and his
3 dependents on present income and liquid assets available to
4 him but, taking into consideration this income and those
5 assets and his requirement for other necessities of life for
6 himself and his dependents, is unable to pay the cost of the
7 ambulance transportation or medical care administered or
8 both. If provided by resolution of a board, it shall not
9 include any person whose annual income together with his
10 spouse's annual income totals an amount that is fifty percent
11 greater than the per capita personal income for New Mexico as
12 shown for the most recent year available in the survey of
13 current business published by the United States department of
14 commerce. Every board that has a balance remaining in the
15 fund at the end of a given fiscal year shall consider and may
16 adopt at the first meeting of the succeeding fiscal year a
17 resolution increasing the standard for indigency. The term
18 "indigent patient" includes a minor who has received
19 ambulance transportation or medical care or both and whose
20 parent or the person having custody of that minor would
21 qualify as an indigent patient if transported by ambulance,
22 admitted to a hospital for care or treated by a health care
23 provider;

24 D. "hospital" means a general or limited hospital
25 licensed by the department of health, whether nonprofit or

1 owned by a political subdivision, and may include by
2 resolution of a board the following health facilities if
3 licensed or, in the case of out-of-state hospitals, approved
4 by the department of health:

5 (1) for-profit hospitals;

6 (2) state-owned hospitals; or

7 (3) licensed out-of-state hospitals where
8 treatment provided is necessary for the proper care of an
9 indigent patient when that care is not available in an
10 in-state hospital;

11 E. "cost" means all allowable costs of providing
12 health care services, to the extent determined by resolution
13 of a board, for an indigent patient. Allowable costs shall
14 be based on medicaid fee-for-service reimbursement rates for
15 hospitals, licensed medical doctors and osteopathic
16 physicians;

17 F. "fund" means a county indigent hospital claims
18 fund;

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

21 H. "county" means a county except a class A county
22 with a county hospital operated and maintained pursuant to a
23 lease with a state educational institution named in Article
24 12, Section 11 of the constitution of New Mexico;

25 I. "department" means the human services

1 department;

2 J. "sole community provider hospital" means:

3 (1) a hospital that is a sole community
4 provider hospital under the provisions of the federal
5 medicare guidelines; or

6 (2) an acute care general hospital licensed
7 by the department of health that is qualified, pursuant to
8 rules adopted by the state agency primarily responsible for
9 the medicaid program, to receive distributions from the sole
10 community provider fund;

11 K. "drug rehabilitation center" means an agency of
12 local government, a state agency, a private nonprofit entity
13 or combination thereof that operates drug abuse
14 rehabilitation programs that meet the standards and
15 requirements set by the department of health;

16 L. "alcohol rehabilitation center" means an agency
17 of local government, a state agency, a private nonprofit
18 entity or combination thereof that operates alcohol abuse
19 rehabilitation programs that meet the standards set by the
20 department of health;

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

24 N. "health care provider" means:

25 (1) a nursing home;

1 (2) an in-state home health agency;

2 (3) an in-state licensed hospice;

3 (4) a community-based health program

4 operated by a political subdivision of the state or other

5 nonprofit health organization that provides prenatal care

6 delivered by New Mexico licensed, certified or registered

7 health care practitioners;

8 (5) a community-based health program

9 operated by a political subdivision of the state or other

10 nonprofit health care organization that provides primary care

11 delivered by New Mexico licensed, certified or registered

12 health care practitioners;

13 (6) a drug rehabilitation center;

14 (7) an alcohol rehabilitation center;

15 (8) a mental health center;

16 (9) a licensed medical doctor, osteopathic

17 physician, dentist, optometrist or expanded practice nurse

18 when providing emergency services, as determined by the

19 board, in a hospital to an indigent patient; or

20 (10) a licensed medical doctor or

21 osteopathic physician, dentist, optometrist or expanded

22 practice nurse when providing services in an outpatient

23 setting, as determined by the board, to an indigent patient

24 with a life-threatening illness or disability;

25 0. "health care services" means treatment and

1 services designed to promote improved health in the county
2 indigent population, including primary care, prenatal care,
3 dental care, provision of prescription drugs, preventive care
4 or health outreach services, to the extent determined by
5 resolution of the board;

6 P. "planning" means the development of a
7 countywide or multicounty health plan to improve and fund
8 health services in the county based on the county's needs
9 assessment and inventory of existing services and resources
10 and that demonstrates coordination between the county and
11 state and local health planning efforts; and

12 Q. "commission" means the New Mexico health policy
13 commission."

14 Section 2. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2004. _____

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