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HOUSE BILL 938

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO MEDICAID; ALLOWING MEDICAID WAIVER PROGRAM FUNDING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-5-3 NMSA 1978 (being Laws 1965, Chapter 234, Section 3, as amended) is amended to read:

"27-5-3. PUBLIC ASSISTANCE PROVISIONS.--

A. A hospital shall not be paid from the fund under the Indigent Hospital and County Health Care Act for costs of an indigent patient for services that have been determined by the department to be eligible for medicaid reimbursement.

However, nothing in the Indigent Hospital and County Health Care Act shall be construed to prevent the board from transferring money from the fund to the sole community provider fund or the county-supported medicaid fund for support of the state medicaid program, including waiver programs approved by

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1 the federal department of health and human services.

2 B. No action for collection of claims under the  
3 Indigent Hospital and County Health Care Act shall be allowed  
4 against an indigent patient who is medicaid eligible for  
5 medicaid covered services, nor shall action be allowed against  
6 the person who is legally responsible for the care of the  
7 indigent patient during the time that person is medicaid  
8 eligible."

9 Section 2. Section 27-10-3 NMSA 1978 (being Laws 1991,  
10 Chapter 212, Section 3, as amended) is amended to read:

11 "27-10-3. COUNTY-SUPPORTED MEDICAID FUND CREATED--USE--  
12 APPROPRIATION BY THE LEGISLATURE.--

13 A. There is created in the state treasury the  
14 "county-supported medicaid fund". The fund shall be invested  
15 by the state treasurer as other state funds are invested.  
16 Income earned from investment of the fund shall be credited to  
17 the county-supported medicaid fund. The fund shall not revert  
18 in any fiscal year.

19 B. Money in the county-supported medicaid fund is  
20 subject to appropriation by the legislature to support the  
21 state medicaid program, including waiver programs approved by  
22 the federal department of health and human services, and to  
23 institute or support primary care health care services pursuant  
24 to Subsections D and E of Section 24-1A-3.1 NMSA 1978. Of the  
25 amount appropriated each year, nine percent shall be

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1 appropriated to the department of health to institute or  
2 support primary care health care services pursuant to  
3 Subsections D and E of Section 24-1A-3.1 NMSA 1978.

4 C. Up to three percent of the county-supported  
5 medicaid fund each year may be expended for administrative  
6 costs related to medicaid or developing new primary care health  
7 care centers or facilities.

8 D. In the event federal funds for medicaid are not  
9 received by New Mexico for any eighteen-month period, the  
10 unencumbered balance remaining in the county-supported medicaid  
11 fund and the sole community provider fund at the end of the  
12 fiscal year following the end of any eighteen-month period  
13 shall be paid within a reasonable time to each county for  
14 deposit in the county indigent hospital claims fund in  
15 proportion to the payments made by each county through tax  
16 revenues or transfers in the previous fiscal year as certified  
17 by the local government division of the department of finance  
18 and administration. The department [~~will~~] shall provide for  
19 budgeting and accounting of payments to the fund."