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HOUSE BILL 1253

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Luciano "Lucky" Varela

AN ACT

RELATING TO COUNTY-SUPPORTED HEALTH CARE FINANCING; REVISING
DEFINITIONS.

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

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1 as to allowable cost. Also included are air ambulance services
2 approved by the board. The air ambulance service charges shall
3 be filed and approved pursuant to Subsection D of Section
4 27-5-6 NMSA 1978 and Section 27-5-11 NMSA 1978;

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

7 C. "indigent patient" means a person to whom an
8 ambulance service, a hospital or a health care provider has
9 provided medical care, ambulance transportation or health care
10 services and who can normally support ~~[himself]~~ the person's
11 self and ~~[his]~~ the person's dependents on present income and
12 liquid assets available to ~~[him]~~ the person but, taking into
13 consideration this income and those assets and ~~[his]~~ the
14 person's requirement for other necessities of life for
15 ~~[himself]~~ the person and ~~[his]~~ the person's dependents, is
16 unable to pay the cost of the ambulance transportation or
17 medical care administered or both. ~~[If provided by resolution~~
18 ~~of a board, it shall not include any person whose annual income~~
19 ~~together with his spouse's annual income totals an amount that~~
20 ~~is fifty percent greater than the per capita personal income~~
21 ~~for New Mexico as shown for the most recent year available in~~
22 ~~the survey of current business published by the United States~~
23 ~~department of commerce. Every board that has a balance~~
24 ~~remaining in the fund at the end of a given fiscal year shall~~
25 ~~consider and may adopt at the first meeting of the succeeding~~

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1 ~~fiscal year a resolution increasing the standard for~~
2 ~~indigency.]~~ The term "indigent patient" includes a minor who
3 has received ambulance transportation or medical care or both
4 and whose parent or the person having custody of that minor
5 would qualify as an indigent patient if transported by
6 ambulance, admitted to a hospital for care or treated by a
7 health care provider;

8 D. "hospital" means a general or limited hospital
9 licensed by the department of health, whether nonprofit or
10 owned by a political subdivision, and may include by resolution
11 of a board the following health facilities if licensed or, in
12 the case of out-of-state hospitals, approved by the department
13 of health:

- 14 (1) for-profit hospitals;
15 (2) state-owned hospitals; or
16 (3) licensed out-of-state hospitals where
17 treatment provided is necessary for the proper care of an
18 indigent patient when that care is not available in an
19 in-state hospital;

20 E. "cost" means all allowable costs of providing
21 health care services, to the extent determined by resolution of
22 a board, for an indigent patient. Allowable costs [~~shall~~] may
23 be based on medicaid fee-for-service reimbursement rates for
24 hospitals, licensed medical doctors and osteopathic physicians;

25 F. "fund" means a county indigent hospital claims

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1 fund;

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

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

8 I. "department" means the human services
9 department;

10 J. "sole community provider hospital" means:

11 (1) a hospital that is a sole community
12 provider hospital under the provisions of the federal medicare
13 guidelines; or

14 (2) an acute care general hospital licensed by
15 the department of health that is qualified, pursuant to rules
16 adopted by the state agency primarily responsible for the
17 medicaid program, to receive distributions from the sole
18 community provider fund;

19 K. "drug rehabilitation center" means an agency of
20 local government, a state agency, a private nonprofit entity or
21 combination thereof that operates drug abuse rehabilitation
22 programs that meet the standards and requirements set by the
23 department of health;

24 L. "alcohol rehabilitation center" means an agency
25 of local government, a state agency, a private nonprofit entity

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1 or combination thereof that operates alcohol abuse
2 rehabilitation programs that meet the standards set by the
3 department of health;

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

7 N. "health care provider" means:

- 8 (1) a nursing home;
- 9 (2) an in-state home health agency;
- 10 (3) an in-state licensed hospice;
- 11 (4) a community-based health program operated
12 by a political subdivision of the state or other nonprofit
13 health organization that provides prenatal care delivered by
14 New Mexico licensed, certified or registered health care
15 practitioners;
- 16 (5) a community-based health program operated
17 by a political subdivision of the state or other nonprofit
18 health care organization that provides primary care delivered
19 by New Mexico licensed, certified or registered health care
20 practitioners;
- 21 (6) a drug rehabilitation center;
- 22 (7) an alcohol rehabilitation center;
- 23 (8) a mental health center;
- 24 (9) a licensed medical doctor, osteopathic
25 physician, dentist, optometrist or expanded practice nurse when

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1 providing emergency services, as determined by the board, in a
2 hospital to an indigent patient; or

3 (10) a licensed medical doctor or osteopathic
4 physician, dentist, optometrist or expanded practice nurse when
5 providing services in an outpatient setting, as determined by
6 the board, to an indigent patient with a life-threatening
7 illness or disability;

8 O. "health care services" means treatment and
9 services designed to promote improved health in the county
10 indigent population, including primary care, prenatal care,
11 dental care, provision of prescription drugs, preventive care
12 or health outreach services, to the extent determined by
13 resolution of the board;

14 P. "planning" means the development of a countywide
15 or multicounty health plan to improve and fund health services
16 in the county based on the county's needs assessment and
17 inventory of existing services and resources and that
18 demonstrates coordination between the county and state and
19 local health planning efforts; and

20 Q. "commission" means the New Mexico health policy
21 commission."