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HOUSE BILL 268

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Keith J. Gardner

AN ACT

RELATING TO HEALTH CARE; REQUIRING MEDICAL ASSISTANCE
BENEFICIARIES TO SHARE IN COVERAGE COSTS; REQUIRING THE HUMAN
SERVICES DEPARTMENT TO REQUEST A WAIVER FROM THE FEDERAL
DEPARTMENT OF HEALTH AND HUMAN SERVICES.

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

Section 1. A new section of the Public Assistance Act is
enacted to read:

"[NEW MATERIAL] COVERAGE COST-SHARING BY MEDICAL
ASSISTANCE RECIPIENTS.--

A. The department shall promulgate rules to
implement the following coverage cost-sharing measures for
medical assistance recipients:

(1) a premium assessment for recipients who
meet criteria determined by the department;

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1 (2) an assessment of copayments for emergency
2 room services in amounts comparable to copayments charged by
3 commercial health insurers or health maintenance organizations,
4 with the following conditions:

5 (a) a recipient shall not be charged a
6 copayment when the recipient is admitted as a hospital
7 inpatient as a result of the emergency room evaluation; and

8 (b) the emergency room provider shall
9 make a good-faith effort to collect the copayment from the
10 recipient; and

11 (3) an assessment of copayment for those
12 prescription drugs designated by the department in order to
13 provide incentives for greater use of generic prescription
14 drugs when there is a generic or lower-cost equivalent
15 available.

16 B. The department shall ensure that the coverage
17 cost-sharing requirements described in Subsection A of this
18 section are in compliance with federal requirements and shall
19 apply for any waivers that the federal department of health and
20 human services or the federal Social Security Act requires to
21 institute these coverage cost-sharing measures."

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