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SENATE BILL 231

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

ROD ADAIR

AN ACT

RELATING TO INDIGENT HEALTH CARE; AMENDING SECTION 27-5-4 NMSA 1978 (BEING LAWS 1965, CHAPTER 234, SECTION 4, AS AMENDED) TO AUTHORIZE PAYMENT FOR MEDICAL SERVICES PROVIDED IN THE EMERGENCY ROOM OF A HOSPITAL TO AN INDIGENT PERSON BY PHYSICIANS WHO ARE ON-CALL AND NOT OTHERWISE COMPENSATED FOR SERVICES RENDERED.

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

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1 individual carrier certificates issued by the state
2 corporation commission to transport persons alive, dead or
3 dying en route by means of ambulance service. The rates and
4 charges established by state corporation commission tariff
5 shall govern ~~[as to]~~ allowable cost. Also included are air
6 ambulance services approved by the board. The air ambulance
7 service charges shall be filed and approved pursuant to
8 Subsection D of Section 27-5-6 NMSA 1978 and Section 27-5-11
9 NMSA 1978;

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

12 C. "indigent patient" means a person to whom an
13 ambulance service, a hospital or a health care provider has
14 provided medical care, ambulance transportation or health care
15 services and who can normally support himself and his
16 dependents on present income and liquid assets available to
17 him but, taking into consideration this income and those
18 assets and his requirement for other necessities of life for
19 himself and his dependents, is unable to pay the total cost of
20 the ambulance transportation, ~~[or]~~ medical care ~~[administered~~
21 ~~or both]~~ or health care services provided. If provided by
22 resolution of a board, it shall not include any person whose
23 annual income together with his spouse's annual income totals
24 an amount that is fifty percent greater than the per capita
25 personal income for New Mexico as shown for the most recent

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1 year available in the survey of current business published by
2 the United States department of commerce. Every board that
3 has a balance remaining in the fund at the end of a given
4 fiscal year shall consider and may adopt at the first meeting
5 of the succeeding fiscal year a resolution increasing the
6 standard for indigency. The term "indigent patient" includes
7 a minor who has received ambulance transportation, [or]
8 medical care or [both] health care services and whose parent
9 or the person having custody of that minor would qualify as an
10 indigent patient if [~~transported by ambulance or admitted to a~~
11 ~~hospital for care or treated by a health care provider or all~~
12 ~~three~~] he received ambulance transportation, medical care or
13 health care service;

14 D. "hospital" means any general or limited
15 hospital licensed by the department of health, whether
16 nonprofit or owned by a political subdivision, and may include
17 by resolution of a board the following health facilities if
18 licensed or, in the case of out-of-state hospitals, approved,
19 by the department of health:

- 20 (1) for-profit hospitals;
 - 21 (2) state-owned hospitals; or
 - 22 (3) licensed out-of-state hospitals where
- 23 treatment provided is necessary for the proper care of an
24 indigent patient when that care is not available in an in-
25 state hospital;

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1 E. "cost" means all allowable ambulance
2 transportation costs, medical care costs or costs of providing
3 health care services to the extent determined by resolution of
4 a board, for an indigent patient. Allowable costs shall be
5 determined in accordance with a uniform system of accounting
6 and cost analysis as determined by regulation of a board,
7 which includes cost of ancillary services but shall not
8 include the cost of servicing long-term indebtedness of a
9 hospital, health care provider or ambulance service;

10 F. "fund" means a county indigent hospital claims
11 fund;

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

14 H. "county" means any county except a class A
15 county with a county hospital operated and maintained pursuant
16 to a lease with a state educational institution named in
17 Article 12, Section 11 of the constitution of New Mexico;

18 I. "department" means the human services
19 department;

20 J. "sole community provider hospital" means a
21 hospital that is a sole community provider hospital under the
22 provisions of the federal medicare guidelines established in
23 42 C.F.R. 412.92 pursuant to Title 18 of the federal Social
24 Security Act;

25 K. "drug rehabilitation center" means an agency of

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1 local government, a state agency, a private nonprofit entity
2 or combination thereof that operates drug abuse rehabilitation
3 programs that meet the standards and requirements pursuant to
4 the Drug Abuse Act;

5 L. "alcohol rehabilitation center" means an agency
6 of local government, a state agency, a private nonprofit
7 entity or combination thereof that operates alcohol abuse
8 rehabilitation programs that meet the standards set by the
9 department of health pursuant to the Alcoholism and Alcohol
10 Abuse Prevention, Screening and Treatment Act;

11 M "mental health center" means a not-for-profit
12 center that provides outpatient mental health services that
13 meet the standards set by the department of health pursuant to
14 the Community Mental Health Services Act;

15 N. "health care provider" means:

- 16 (1) a nursing home;
- 17 (2) an in-state home health agency;
- 18 (3) an in-state licensed hospice;
- 19 (4) a community-based health program operated
20 by a political subdivision of the state or other nonprofit
21 health organization that provides prenatal care delivered by
22 New Mexico licensed, certified or registered health care
23 practitioners;
- 24 (5) a community-based health program operated
25 by a political subdivision of the state or other nonprofit

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1 health care organization that provides primary care delivered
2 by New Mexico licensed, certified or registered health care
3 practitioners;

4 (6) a drug rehabilitation center;

5 (7) an alcohol rehabilitation center; [~~or~~]

6 (8) a mental health center; or

7 (9) a physician providing hospital emergency
8 room services to an indigent patient on an on-call basis if
9 the physician is not an employee of the hospital and is not
10 compensated for the provided services by the patient or any
11 other person;

12 0. "health care services" means all treatment and
13 services designed to promote improved health in the county
14 indigent population, including primary care, prenatal care,
15 dental care, provision of prescription drugs, preventive care
16 or health outreach services, to the extent determined by
17 resolution of the board; and

18 P. "planning" means the development of a
19 countywide or multicounty health plan to improve and fund
20 health services in the county based on the county's needs
21 assessment and inventory of existing services and resources
22 and which demonstrates coordination between the county and
23 state and local health planning efforts. "

24 Section 2. EFFECTIVE DATE. --The effective date of the
25 provisions of this act is July 1, 1998.

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 4, 1998
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8 Mr. President:
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10 Your COMMITTEES' COMMITTEE, to whom has been referred
11

12 SENATE BILL 231
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14 has had it under consideration and finds same to be GERMANE,
15 pursuant to Senate Executive Message No. 47, and thence referred to
16 the PUBLIC AFFAIRS COMMITTEE.
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19 Respectfully submitted,
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Manny M. Aragon, Chairman

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(Chief Clerk)

(Chief Clerk)

Date _____

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