

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 708

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO PUBLIC HEALTH; ENACTING A NEW SECTION OF THE PUBLIC HEALTH ACT; PROVIDING FOR LIMITATIONS ON INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED PERSONS OR PERSONS WITH DEVELOPMENTAL DISABILITIES.

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

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

" NEW MATERIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES. --

A. After July 1, 1999, the department shall not certify or license an intermediate care facility or additional beds in a facility for mentally retarded persons or for persons with developmental disabilities unless the facility:

- (1) is licensed to provide care for no more

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 than four persons per residence;

2 (2) is at least one hundred fifty feet from  
3 an existing intermediate care facility, group residence for  
4 persons with disabilities, another group residence affiliated  
5 with an entity providing services under contract to a state  
6 agency or a nursing home;

7 (3) complies with all provisions of the  
8 Public Health Act and the freedom of choice provisions of  
9 Title 19 of the federal Social Security Act; and

10 (4) complies with rules of the department  
11 governing other providers of service to persons with  
12 developmental disabilities, including grievance and dispute  
13 resolution procedures, protection and exercise of the rights  
14 of clients and quality standards.

15 B. An intermediate care facility or skilled  
16 nursing facility shall not admit a medicaid beneficiary who  
17 has not been offered an informed choice to receive alternative  
18 services through a home- or community-based medicaid waiver  
19 program.

20 C. The department shall provide a nursing home  
21 patient who becomes enrolled in medicaid the opportunity to  
22 make an informed choice of alternative services within ten  
23 days of their enrollment.

24 D. The department, in consultation with the human  
25 services department, shall adopt rules for:

. 127754. 1

underscored material = new  
[bracketed material] = delete

1 (1) informed choice for home- and community-  
2 based medicaid waiver services, including bilingual  
3 information about the services of alternative facilities and  
4 home- and community-based services; and

5 (2) eligibility of home- and community-based  
6 medicaid waiver services to ensure that needs of the patient  
7 are fully met.

8 E. The department shall place medicaid  
9 beneficiaries who are mentally retarded or have developmental  
10 disabilities in an intermediate care facility or provide for  
11 alternative home- or community-based services within ninety  
12 days of enrolling in medicaid. "

13 Section 2. EFFECTIVE DATE. --The effective date of the  
14 provisions of this act is July 1, 1999.