

HOUSE JOINT MEMORIAL 10

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

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FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

A JOINT MEMORIAL

REQUESTING THE HUMAN SERVICES DEPARTMENT TO ESTABLISH A
DEFINITION OF "MEDICAL NECESSITY" FOR STATE AGENCY AND
MEDICAID PURPOSES.

WHEREAS, three state departments have responsibilities
related to health care that include decisions on "medical
necessity"; and

WHEREAS, each of these agencies uses a different
definition of medical necessity; and

WHEREAS, the preponderance of the state's medicaid
services are provided through three private independent
managed care organizations; and

WHEREAS, each of these three organizations defines
medical necessity differently; and

WHEREAS, far from being a matter of vocabulary and
expression, the definition of medical necessity determines

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1 both the quality and quantity of health care provided to New
2 Mexico citizens; and

3 WHEREAS, the needs of the mentally ill, developmentally
4 disabled and others requiring special services, including
5 various behavioral health services and treatment foster care,
6 are currently at risk due to managed care policies and lack
7 of sufficient funding; and

8 WHEREAS, public policies that affect special needs
9 populations require extra effort in their design to ensure
10 the proper care and well-being of this vulnerable group of
11 citizens; and

12 WHEREAS, as the health insurance purchasing agent for
13 the taxpayers of New Mexico, the human services department
14 has every right to insist on the highest standards of care;
15 and

16 WHEREAS, the human services department has the
17 responsibility to ensure that its contracts are written with
18 concern for both New Mexico medicaid recipients and other New
19 Mexico taxpayers;

20 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
21 STATE OF NEW MEXICO that the human services department,
22 together with the department of health, the insurance
23 division of the public regulation commission and other
24 agencies with interests and responsibilities affected,
25 develop a definition of medical necessity that ensures full
access to the highest quality of health care for all New
Mexico citizens; and

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1 BE IT FURTHER RESOLVED that the definition of medical
2 necessity ensure that services provided under the definition
3 include not only medical and surgical but other health
4 services that diagnose, prevent, cure or treat a health-
5 related condition and that help an individual maintain an
6 optimal level of function and prevent decremental change in
7 either medical or mental condition, and which services are
8 not limited based on a diagnosis or condition and for which
9 an individual health care decision has been made; and

10 BE IT FURTHER RESOLVED that this definition give full
11 attention to New Mexicans with special needs, especially
12 children; and

13 BE IT FURTHER RESOLVED that the human services
14 department include in the discussions with the three primary
15 SALUD contractors representatives of the health insurance
16 industry, health and behavioral health providers and health
17 advocacy and health consumer organizations; and

18 BE IT FURTHER RESOLVED that the human services
19 department report its recommendations to the interim
20 legislative health and human services committee at its
21 September 2000 meeting; and

22 BE IT FURTHER RESOLVED that copies of this memorial be
23 provided to the human services department, the department of
24 health, the state agency on aging, the insurance division of
25 the public regulation commission, the three primary SALUD
contractors, the interim legislative health and human
services committee and all other interested parties.

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