

AN ACT

RELATING TO MEDICAL ASSISTANCE; CREATING A SPECIAL  
PRESCRIPTION DRUG ASSISTANCE PROGRAM IN MEDICAID FOR CERTAIN  
PERSONS SIXTY-FIVE AND OLDER; DECLARING AN EMERGENCY.

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

Section 1. SPECIAL PRESCRIPTION DRUG ASSISTANCE  
PROGRAM - MEDICAID. - -

A. The medical assistance division of the human services department shall design and implement a special prescription drug assistance program under the state's medicaid program to provide only prescription drugs to certain persons age sixty-five and older but no other medicaid benefits. Implementation of the program shall be pursuant to rules adopted by the department. The program shall be consistent with the provisions of Title 19 of the federal Social Security Act.

B. To be eligible for the special prescription drug assistance program, a person shall:

(1) be sixty-five years of age or older and a resident of New Mexico;

(2) not have a prescription drug benefit pursuant to health insurance coverage or other private or governmental health plans; and

(3) have income of no more than one hundred percent of the federal poverty level, according to the

levels of income defining poverty by family size published annually in the federal register by the United States department of health and human services.

C. The human services department shall establish by rule a definition of "income" in agreement with federal supplemental security income program methodology for purposes of determining eligibility pursuant to Paragraph (3) of Subsection B of this section. The department shall utilize the same income eligibility methodology for the special prescription drug assistance program as is utilized for medical assistance eligibility in the medicaid program.

D. If, in order to implement the special prescription drug assistance program authorized in Subsections A and B of this section, it is necessary to obtain a waiver pursuant to Section 1115 of the federal Social Security Act, the human services department shall apply for the waiver no later than July 1, 2001.

Section 2. MEDICARE PRESCRIPTION BENEFIT--REVIEW. -- If federal legislation providing an outpatient prescription drug benefit for the medicare program under Title 18 of the federal Social Security Act is enacted by the one hundred seventh or the one hundred eighth congress and becomes law, the legislative finance committee and the interim legislative health and human services committee shall consider the advisability of continuing the special prescription drug assistance program under the state's

medicaid program for certain persons sixty-five and older.

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately. \_\_\_\_\_