

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 468

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
REQUIRING SUBMISSION OF A REQUEST FOR A NEW MEDICAID WAIVER
PROGRAM WITH BENEFITS IN LINE WITH OTHER STATE HEALTH
INSURANCE PROGRAMS; CREATING A MEDICAID REFORM COMMITTEE
REQUIRED TO MAKE RECOMMENDATIONS BY SEPTEMBER 2002; REQUIRING
SUBMISSION OF A REQUEST FOR A NEW MEDICAID WAIVER PROGRAM
FOLLOWING THE 2003 LEGISLATIVE SESSION; AMENDING, REPEALING
AND ENACTING CERTAIN SECTIONS OF THE NMSA 1978; MAKING AN
APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. Section 27-2B-15 NMSA 1978 (being Laws 1998,
Chapter 8, Section 15 and Laws 1998, Chapter 9, Section 15, as
amended by Laws 2001, Chapter 295, Section 8 and by Laws 2001,
Chapter 326, Section 8) is amended to read:

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1 "27-2B-15. MEDICAID ELIGIBILITY. --

2 A. The following are eligible for medicaid or a
3 program pursuant to a waiver under Title 19 or 21 of the
4 federal act as created under Section 27-2B-15.1 or 27-2B-15.2
5 NMSA 1978:

6 (1) a participant who is in transition to
7 self-sufficiency due to employment or child support;

8 (2) a pregnant woman who meets the income and
9 resource requirements for New Mexico's aid to families with
10 dependent children as they existed on July 16, 1996;

11 (3) a member of a benefit group who is
12 eighteen years of age or younger if the benefit group's income
13 is below one hundred eighty-five percent of the federal
14 poverty guidelines or a higher income level as may be
15 permitted pursuant to a waiver under Title 19 or 21 of the
16 federal act as created under Section 27-2B-15.1 or 27-2B-15.2
17 NMSA 1978;

18 (4) a pregnant woman whose income is below
19 one hundred eighty-five percent of the federal poverty
20 guidelines;

21 (5) participants receiving federal
22 supplemental security income;

23 (6) an aged, blind or disabled person in an
24 institution who meets all the supplemental security income
25 standards [~~except for income~~];

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1 (7) a person who meets all standards for
2 institutional care but is cared for at home and meets
3 eligibility standards for medicaid;

4 (8) a qualified medicare beneficiary,
5 qualified disabled working person or specified low-income
6 medicare beneficiary; and

7 (9) a foster child in the custody of the
8 state or of an Indian pueblo, tribe or nation who meets
9 eligibility standards for medicare.

10 B. Effective October 1, 2001, for the medicaid
11 category designated "JUL medicaid" by the department, the
12 income eligibility criteria shall be the same as the income
13 eligibility criteria set forth in the New Mexico Works Act. "

14 Section 2. A new section of the Public Assistance Act,
15 Section 27-2B-15.1 NMSA 1978, is enacted to read:

16 "27-2B-15.1. [NEW MATERIAL] WAIVER REQUEST. -- The
17 department shall submit a request for a waiver, no later than
18 May 1, 2002, to the federal health and human services
19 department to provide a program for participants with
20 eligibility levels above the minimum federal levels. The
21 benefits of this program shall be substantially equivalent to
22 those benefits available to employees of the state and public
23 schools pursuant to the Health Care Purchasing Act. "

24 Section 3. A new section of the Public Assistance Act,
25 Section 27-2B-15.2 NMSA 1978, is enacted to read:

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underscored material = new
[bracketed material] = delete

1 "27- 2B- 15. 2. [NEW MATERIAL] WAIVER REQUEST. -- The
2 department shall submit a request for a waiver, no later than
3 May 1, 2003, to the federal health and human services
4 department to provide a medicaid benefit program for
5 participants, which benefits shall be based on legislation
6 enacted by the first session of the forty-sixth legislature. "

7 Section 4. TEMPORARY PROVISION--MEDICAID REFORM
8 COMMITTEE CREATED.--There is created a joint interim
9 legislative committee that shall be known as the "medicaid
10 reform committee". The committee shall function from the date
11 of its appointment until the first day of December prior to
12 the first session of the forty-sixth legislature.

13 Section 5. TEMPORARY PROVISION--MEMBERSHIP--ADVISORY
14 MEMBERS--APPOINTMENT--VACANCIES.--

15 A. The medicaid reform committee shall be composed
16 of twelve members. Six members of the house of
17 representatives shall be appointed, three appointed by the
18 speaker of the house of representatives and three appointed by
19 the minority leader of the house of representatives. Six
20 members of the senate shall be appointed by the committees'
21 committee of the senate or, if the appointments are made in
22 the interim, by the president pro tempore of the senate after
23 consultation with and agreement of a majority of the members
24 of the committees' committee.

25 B. Vacancies on the medicaid reform committee

1 shall be filled by appointment in the same manner as the
 2 original appointments. The chairman and vice chairman of the
 3 committee shall be elected by the committee.

4 C. An eighteen-member medicaid advisory group
 5 comprised of experts in medicaid or health care shall assist
 6 and advise the medicaid reform committee. The governor, the
 7 speaker of the house of representatives and the president pro
 8 tempore of the senate shall each appoint six members to the
 9 medicaid advisory group. The governor, the speaker and the
 10 president pro tempore shall coordinate their appointments to
 11 ensure representation from the following groups: health care
 12 and legal consumer advocates; community-based providers;
 13 mental and behavioral health providers; health care
 14 information management organizations; health care financial
 15 management organizations; health care payers and insurers;
 16 hospitals and other institutional providers; and physicians,
 17 nurses and other health care professionals.

18 D. No action shall be taken by the committee if a
 19 majority of the total membership from either house on the
 20 committee rejects such action.

21 Section 6. TEMPORARY PROVISION--DUTIES.--

22 A. After its appointment, the medicaid reform
 23 committee shall hold one organizational meeting to develop a
 24 work plan and budget for the ensuing interim.

25 B. In developing the work plan, the medicaid

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1 reform committee shall take into consideration current
2 resources and projected needs for the state medicaid program's
3 services, delivery, funding and policy, including:

4 (1) the current operating structure of the
5 medicaid programs in New Mexico;

6 (2) the level of oversight authority
7 necessary for the medicaid-related divisions of the human
8 services department and health care payer and provider
9 contractors under the medicaid program;

10 (3) the operational structure of the state
11 medicaid program, with respect to how policy and fiscal
12 determinations are made;

13 (4) the concerns and recommendations
14 regarding the operation of the medicaid program made by other
15 interim legislative committees, consumer advocates, health
16 care providers, health care payers or their respective
17 organizations;

18 (5) the allocation of health care costs and
19 funding sources to avoid or eliminate unnecessary cost-
20 shifting;

21 (6) the geographic distribution of health
22 care professionals, resources and programs in the state
23 medicaid program and of public-private partnerships to address
24 health care access, delivery and funding issues that are
25 problematic for both employers and employees; and

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1 (7) the available federal, state and local
2 sources of funding for the state medicaid program

3 C. The medicaid reform committee shall solicit
4 public input.

5 D. The work plan and budget shall be submitted to
6 the New Mexico legislative council for approval. Upon
7 approval of the work plan and budget by the council, the
8 medicaid reform committee shall examine the statutes,
9 constitutional provisions, regulations and court decisions
10 governing the state medicaid program and related health care
11 programs and services and recommend legislation or changes.

12 Section 7. TEMPORARY PROVISION--SUBCOMMITTEES. --

13 Subcommittees shall be created only by majority vote of all
14 members appointed to the medicaid reform committee and with
15 the prior approval of the New Mexico legislative council. A
16 subcommittee shall be composed of at least one member from the
17 senate and one member from the house of representatives, and
18 at least one member of the minority party shall be a member of
19 the subcommittee. All meetings and expenditures of a
20 subcommittee shall be approved by the full committee in
21 advance of such meeting or expenditure, and the approval shall
22 be shown in the minutes of the committee.

23 Section 8. TEMPORARY PROVISION--REPORT. --The medicaid
24 reform committee shall make a report of its findings and
25 recommendations for the consideration of the legislature. The

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1 report and suggested legislation shall be made available to
2 the New Mexico legislative council by September 1, 2002.

3 Section 9. TEMPORARY PROVISION--STAFF.--The staff for
4 the medicaid reform committee shall be provided by the
5 legislative council service.

6 Section 10. APPROPRIATION.--Two hundred fifty thousand
7 dollars (\$250,000) is appropriated from the legislative
8 council service cash balances to the legislative council
9 service for expenditure in fiscal years 2002 and 2003 to pay
10 for technical and legal assistance and for necessary equipment
11 and supplies used in carrying out the provisions of this act
12 and for reimbursing the per diem and mileage expenses of the
13 committee. Any unexpended or unencumbered balance remaining
14 at the end of fiscal year 2003 shall revert to the legislative
15 council service cash balances. Payments from the
16 appropriation shall be made upon vouchers signed by the
17 director of the legislative council service or his authorized
18 representative.

19 Section 11. DELAYED REPEAL.--Effective July 1, 2003,
20 Section 27-2B-15.1 NMSA 1978 (being Section 2 of this act) is
21 repealed.

22 Section 12. EMERGENCY.--It is necessary for the public
23 peace, health and safety that this act take effect
24 immediately.