

underscored material = new
[bracketed material] = delete

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 436

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO NATIVE AMERICAN HEALTH CARE; PROVIDING FOR CREATION
OF THE BERNALILLO COUNTY OFF-RESERVATION NATIVE AMERICAN HEALTH
COMMISSION; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the
"Bernalillo County Off-Reservation Native American Health
Commission Act".

Section 2. DEFINITIONS.--As used in the Bernalillo County
Off-Reservation Native American Health Commission Act:

A. "commission" means the off-reservation Native
American health commission;

B. "department" means the department of health;

C. "New Mexico tribe" means an Indian nation, tribe
or pueblo located within New Mexico;

underscored material = new
[bracketed material] = delete

1 D. "off-reservation Native American" means a member
2 of a federally recognized tribe or an Alaskan native who lives
3 in an off-reservation urban area and is a resident;

4 E. "off-reservation nonprofit organization" means a
5 corporate nonprofit entity that provides research, advocacy or
6 health care services for the purpose of improving health care
7 services or the overall health of Native Americans who are not
8 living on reservations or pueblos;

9 F. "off-reservation urban area" means an area of
10 land that is within Bernalillo county but not under the
11 jurisdiction of a New Mexico tribe;

12 G. "resident" means a person who lives in and is
13 domiciled in New Mexico; and

14 H. "secretary" means the secretary of health.

15 Section 3. BERNALILLO COUNTY OFF-RESERVATION NATIVE
16 AMERICAN HEALTH COMMISSION CREATED--MEMBERSHIP.--

17 A. The board of county commissioners of Bernalillo
18 county may create the "Bernalillo county off-reservation Native
19 American health commission" and appoint nine commission members
20 for staggered three-year terms after soliciting nominations for
21 its membership from appropriate off-reservation nonprofit
22 organizations in Bernalillo county.

23 B. The board of county commissioners may agree to
24 appoint the commission's members to include:

- 25 (1) someone who manages the Indian health

.172236.1

underscored material = new
[bracketed material] = delete

1 service's Albuquerque-area urban Indian health program;

2 (2) someone experienced in the delivery of
3 off-reservation Native American health care services in
4 Bernalillo county;

5 (3) the tribal liaison for the department;

6 (4) two members who are members of a New
7 Mexico tribe and have a background in providing or advocating
8 for off-reservation Native American health care;

9 (5) three members who are members of a non-New
10 Mexico tribe and have a background in providing or advocating
11 for off-reservation Native American health care; and

12 (6) one member of the Bernalillo county
13 community health council.

14 C. Upon approval by the board of county
15 commissioners, the commission shall meet at least four times a
16 year, elect its own chair for a term not to exceed three years
17 and be paid as provided in the Per Diem and Mileage Act.

18 Section 4. GOALS.--The goals of the commission may
19 include:

20 A. within two years of being named, creation of an
21 initial off-reservation Native American health care plan that
22 includes:

23 (1) an estimate of the number and tribal
24 affiliation of Native Americans living in the off-reservation
25 urban area;

.172236.1

underscoring material = new
[bracketed material] = delete

1 (2) an inventory of sources of non-emergency
2 health care for off-reservation Native Americans, identifying
3 federal, state and local public resources, tribal facilities
4 and program duplications;

5 (3) a cross-jurisdictional budget analysis
6 compiled from the most current annual figures reported by state
7 and county facilities demonstrating the amount of health care
8 funding for off-reservation Native Americans available to the
9 existing non-emergency facilities;

10 (4) recommendations to eliminate duplications
11 of services, improve access, initiate new services and
12 consolidate non-emergency health care budgets for off-
13 reservation Native Americans; and

14 (5) a comprehensive set of recommendations for
15 redesigning the system of non-emergency health care available
16 to off-reservation Native Americans;

17 B. within three years of being named, presentation
18 of a plan for permanent restructuring of state and local
19 budgets and services for off-reservation Native American health
20 care to the legislature along with proposed legislation for
21 that restructuring that addresses:

22 (1) financing for persons not eligible for
23 medicaid;

24 (2) estimated costs or savings to the state
25 from off-reservation Native Americans receiving medicaid;

.172236.1

underscored material = new
[bracketed material] = delete

1 (3) ways to enhance use of preventive care;
2 (4) nonresidential substance abuse treatment;
3 (5) residential treatment for substance abuse
4 withdrawal;

5 (6) coordination of health care facilities
6 with transportation services; and

7 (7) domestic violence and suicide prevention
8 programs; and

9 C. a set of recommendations to the secretary on
10 projects and programs that fall within the parameters of the
11 initial off-reservation Native American health care plan and
12 the permanent restructuring plans as funding becomes available.

13 Section 5. OFF-RESERVATION NATIVE AMERICAN HEALTH CARE
14 PLAN IMPLEMENTATION.--

15 A. The secretary may contract for services as
16 recommended by the commission, unless the secretary enters an
17 objection with the commission, detailing reasons why
18 recommended services are not in keeping with the initial off-
19 reservation Native American health care plan or the permanent
20 restructuring plan.

21 B. Nothing in the Bernalillo County Off-Reservation
22 Native American Health Commission Act shall prohibit the
23 department from contracting for categories of off-reservation
24 Native American health care services prior to its effective
25 date or for services it deems essential for public health.

.172236.1

underscored material = new
[bracketed material] = delete

1 Section 6. APPROPRIATION.--

2 A. Three hundred thousand dollars (\$300,000) is
3 appropriated from the general fund to the department of health
4 for expenditure in fiscal year 2009 for the Bernalillo county
5 off-reservation Native American health commission for the
6 following purposes in the following amounts:

7 (1) one hundred fifty thousand dollars
8 (\$150,000) for establishing the Bernalillo county off-
9 reservation Native American health commission and its
10 operations;

11 (2) one hundred thousand dollars (\$100,000)
12 for commencement of the inventory of eligible Native Americans
13 and services available for Native Americans; and

14 (3) fifty thousand dollars (\$50,000) for
15 outreach to off-reservation Native American organizations,
16 tribes and community leaders.

17 B. Any unexpended or unencumbered balance remaining
18 at the end of fiscal 2009 shall revert to the general fund.

19 Section 7. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2008.