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HOUSE BILL 608

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES; PROVIDING EMERGENCY  
MEDICAL SERVICES FUND ELIGIBILITY FOR INDIAN NATIONS, TRIBES  
AND PUEBLOS; MAKING AN APPROPRIATION.

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

Section 1. Section 24-10A-2 NMSA 1978 (being Laws 1978,  
Chapter 178, Section 2, as amended by Laws 2001, Chapter 258,  
Section 1 and by Laws 2001, Chapter 273, Section 1) is amended  
to read:

"24-10A-2. PURPOSE OF ACT.--The purpose of the Emergency  
Medical Services Fund Act is to make money available to  
municipalities [~~and~~], counties and Indian nations, tribes and  
pueblos for use in the establishment and enhancement of local  
emergency medical services, statewide emergency medical  
services and trauma services in order to reduce injury and loss

1 of life."

2 Section 2. Section 24-10A-2.1 NMSA 1978 (being Laws 1994,  
3 Chapter 61, Section 2, as amended by Laws 2001, Chapter 258,  
4 Section 2 and by Laws 2001, Chapter 273, Section 2) is amended  
5 to read:

6 "24-10A-2.1. DEFINITIONS.--As used in the Emergency  
7 Medical Services Fund Act:

8 A. "bureau" means the injury prevention and  
9 emergency medical services bureau of the public health division  
10 of the department;

11 B. "committee" means the statewide emergency  
12 medical services advisory committee appointed pursuant to the  
13 provisions of Section 24-10B-7 NMSA 1978;

14 C. "department" means the department of health;

15 D. "fund" means the emergency medical services  
16 fund;

17 E. "local recipient" means an ambulance service,  
18 medical rescue service, fire department rescue service, air  
19 ambulance service or other prehospital care provider:

20 (1) that routinely responds to an individual's  
21 need for immediate medical care in order to prevent loss of  
22 life or aggravation of physical or psychological illness or  
23 injury;

24 (2) whose application for funding through the  
25 Emergency Medical Services Fund Act is sponsored by a

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1 municipality or county; and

2 (3) that meets department guidelines  
3 concerning personnel training, use of bureau-approved run  
4 forms, participation in mutual aid agreements and medical  
5 control;

6 F. "municipality" means an incorporated city, town  
7 or village; [~~and~~]

8 G. "secretary" means the secretary of health; and

9 H. "tribe" means a federally recognized Indian  
10 nation, tribe or pueblo located wholly or partly in New  
11 Mexico."

12 Section 3. Section 24-10A-3 NMSA 1978 (being Laws 1978,  
13 Chapter 178, Section 3, as amended by Laws 2001, Chapter 258,  
14 Section 3 and by Laws 2001, Chapter 273, Section 3) is amended  
15 to read:

16 "24-10A-3. EMERGENCY MEDICAL SERVICES FUND CREATED--  
17 FUNDING.--

18 A. The "emergency medical services fund" is created  
19 in the state treasury. Money in the fund shall not revert at  
20 the end of any fiscal year. Money appropriated to the fund or  
21 accruing to it through gifts, grants, fees or bequests shall be  
22 deposited in the fund. Interest earned on investment of the  
23 fund shall be credited to the general fund. Disbursements from  
24 the fund shall be made upon warrants drawn by the secretary of  
25 finance and administration pursuant to vouchers signed by the

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1 secretary or [~~his~~] the secretary's authorized representative.

2 B. The bureau shall administer the fund and provide  
3 for the distribution of the fund pursuant to the Emergency  
4 Medical Services Fund Act and rules adopted pursuant to the  
5 provisions of that act.

6 C. In any fiscal year, no less than seventy-five  
7 percent of the money in the fund shall be used for the local  
8 emergency medical services funding program to support the cost  
9 of supplies and equipment and operational costs other than  
10 salaries and benefits for emergency medical services personnel.  
11 This money shall be distributed to municipalities [~~and~~],  
12 counties and tribe's on behalf of eligible local recipients,  
13 using a formula established pursuant to rules adopted by the  
14 department. The formula shall determine each municipality's  
15 [~~and~~], county's and tribe's share of the fund based on the  
16 relative geographic size and population of each county. The  
17 formula shall also base the distribution of money for each  
18 municipality [~~and~~], county and tribe on the relative number of  
19 runs of each local recipient eligible to participate in the  
20 distribution.

21 D. In any fiscal year, no more than:

22 (1) twenty-two percent of the fund may be used  
23 for emergency medical services system improvement projects,  
24 including the purchase of emergency medical services vehicles,  
25 local and statewide emergency medical services system support

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1 projects, the statewide trauma care system program and the  
2 emergency medical dispatch agency support program; and

3 (2) three percent of the fund may be used by  
4 the bureau and emergency medical services regional offices for  
5 administrative costs, including monitoring and providing  
6 technical assistance.

7 E. In any fiscal year, money in the fund that is  
8 not distributed pursuant to the provisions of Subsection D of  
9 this section may be distributed pursuant to the provisions of  
10 Subsection C of this section."

11 Section 4. Section 24-10A-3.1 NMSA 1978 (being Laws 1994,  
12 Chapter 61, Section 13) is amended to read:

13 "24-10A-3.1. [REGULATIONS] RULES.--The department shall  
14 adopt [~~regulations~~] rules pursuant to Subsection E of Section  
15 9-7-6 NMSA 1978 to carry out the provisions of the Emergency  
16 Medical Services Fund Act."

17 Section 5. Section 24-10A-4 NMSA 1978 (being Laws 1978,  
18 Chapter 178, Section 4, as amended by Laws 2001, Chapter 258,  
19 Section 4 and by Laws 2001, Chapter 273, Section 4) is amended  
20 to read:

21 "24-10A-4. FUNDING PROGRAM--PURPOSE--DETERMINATION OF  
22 NEEDS.--

23 A. The "local emergency medical services funding  
24 program" is created. The program shall provide for the:

25 (1) establishment or enhancement of local

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1 emergency medical services, including the use of advanced  
2 technology equipment;

3 (2) operational costs other than salaries and  
4 benefits of local emergency medical services personnel;

5 (3) purchase, repair and maintenance of  
6 emergency medical services vehicles, equipment and supplies,  
7 including the use of advanced technology equipment; and

8 (4) training and licensing of local emergency  
9 medical services personnel.

10 B. Annually on or before June 1, the bureau shall  
11 consider and determine, in accordance with the formula adopted  
12 by rule of the department, the amount of distribution to  
13 municipalities [~~and~~], counties and tribes that have applied for  
14 money from the fund. In making its determination, the bureau  
15 shall ensure that no municipality [~~or~~], county or tribe  
16 receives money from the fund for the purpose of accumulation as  
17 defined by rule of the department, except as waived by the  
18 bureau in writing for good cause shown. The bureau shall also  
19 ensure that each local recipient is in compliance with the  
20 rules of the department."

21 Section 6. Section 24-10A-4.1 NMSA 1978 (being Laws 1994,  
22 Chapter 61, Section 10, as amended by Laws 2001, Chapter 258,  
23 Section 5 and by Laws 2001, Chapter 273, Section 5) is amended  
24 to read:

25 "24-10A-4.1. EMERGENCY MEDICAL SERVICES SYSTEM

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1 IMPROVEMENT PROJECTS.--

2 A. Applications for emergency medical services  
3 system improvement projects shall be submitted separately from  
4 applications for the local emergency medical services funding  
5 program. The bureau shall award emergency medical services  
6 system improvement projects after a review of the applications.  
7 The awards shall be made based on a priority ranking,  
8 demonstrated need for funding and recommendations from the  
9 committee. Money awarded shall be used in compliance with  
10 applicable rules.

11 B. Applications for funding to purchase emergency  
12 medical services vehicles shall be submitted by municipalities  
13 [~~or~~], counties or tribes on behalf of local recipients. The  
14 municipality [~~or~~], county or tribe shall commit to providing  
15 matching funds of at least twenty-five percent of the cost of  
16 purchasing the vehicle.

17 C. Applications for funding of local and statewide  
18 projects shall demonstrate the need for funding and a plan to  
19 use the funding to enhance or better integrate local emergency  
20 medical services systems or to improve the health, safety and  
21 training of emergency medical services technicians statewide.

22 D. A statewide trauma care system program shall be  
23 developed and determined by the bureau in consultation with the  
24 committee. The statewide trauma care system program shall  
25 provide for the support, development and expansion of the

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1 statewide trauma care system in accordance with rules adopted  
2 by the department.

3 E. The emergency medical dispatch agency support  
4 program shall fund allowable costs of dispatch agencies that  
5 meet criteria established pursuant to rules by the department."

6 Section 7. Section 24-10A-4.2 NMSA 1978 (being Laws 1994,  
7 Chapter 61, Section 11) is amended to read:

8 "24-10A-4.2. MUTUAL AID AGREEMENTS.--[Incorporated]  
9 Municipalities, counties, tribes and local recipients are  
10 encouraged to develop mutual aid agreements with other  
11 municipalities, counties, tribes and local recipients for the  
12 purpose of ensuring that adequate emergency medical services  
13 coverage exists throughout the state. For the benefit of the  
14 public, equipment and other emergency medical services  
15 resources obtained through money from the fund shall be shared  
16 among the parties to a mutual aid agreement."

17 Section 8. Section 24-10A-5 NMSA 1978 (being Laws 1978,  
18 Chapter 178, Section 5, as amended) is amended to read:

19 "24-10A-5. FUNDING PROGRAM--AWARDS--APPEALS.--The bureau  
20 shall promptly notify each municipality [~~and~~], county and tribe  
21 that has applied for money and the local recipient of the  
22 bureau's determination to grant or deny an application for  
23 funding through the local emergency medical services funding  
24 program. A municipality [~~or~~], county or tribe may appeal a  
25 determination of the bureau within ten working days after

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1 notification of the determination. The bureau shall refer the  
2 appeal to the committee for its review and recommendation. The  
3 committee shall make its recommendation to the secretary, who  
4 shall make a final determination about whether to grant or deny  
5 an application for funding. The secretary shall notify the  
6 appellant of [~~his~~] the secretary's decision on or before June  
7 30."

8 Section 9. Section 24-10A-6 NMSA 1978 (being Laws 1978,  
9 Chapter 178, Section 6, as amended by Laws 2001, Chapter 258,  
10 Section 6 and by Laws 2001, Chapter 273, Section 6) is amended  
11 to read:

12 "24-10A-6. DISTRIBUTION OF FUND.--On or before August 31,  
13 the local emergency medical services funding program  
14 distribution shall be made to each municipality [~~and~~], county  
15 and tribe as determined by the department. No more than one  
16 percent of the amount appropriated to the local emergency  
17 medical services funding program shall be distributed from the  
18 fund to the benefit of a single local recipient in any fiscal  
19 year pursuant to the local emergency medical services funding  
20 program to ensure that appropriate emergency medical service is  
21 available statewide."

22 Section 10. Section 24-10A-8 NMSA 1978 (being Laws 1978,  
23 Chapter 178, Section 8, as amended) is amended to read:

24 "24-10A-8. FUNDING PROGRAM--CONTROL OF EXPENDITURES.--  
25 Money distributed from the fund shall be expended only for the

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1 purposes stated in the application to the bureau [~~and~~]. A  
2 municipality or county shall [~~be expended~~] expend money  
3 distributed from the fund on the authorization of the chief  
4 executive of the [~~incorporated~~] municipality or county upon  
5 vouchers issued by its treasurer. A tribe shall expend money  
6 distributed from the fund on the authorization of the chief  
7 executive or the chief executive's designee upon a voucher  
8 issued by the person responsible for the administration of the  
9 financial assets and liabilities of the tribe."

10 Section 11. Section 24-10A-10 NMSA 1978 (being Laws 1994,  
11 Chapter 61, Section 12) is amended to read:

12 "24-10A-10. LOSS OF FUNDING ELIGIBILITY.--A municipality,  
13 county, tribe or local recipient that the bureau finds has  
14 expended money in violation of the Emergency Medical Services  
15 Fund Act may be ineligible to receive funding from the bureau  
16 for a period of not less than one year or more than three  
17 years, as determined by the bureau in accordance with rules  
18 [~~and regulations~~] adopted by the department."

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