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HOUSE BILL 173

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Eleanor Chavez

AN ACT

RELATING TO MEDICAL ASSISTANCE; ENACTING A NEW SECTION OF THE PUBLIC ASSISTANCE ACT TO REQUIRE THE SECRETARY OF HUMAN SERVICES TO OBTAIN PRIOR LEGISLATIVE APPROVAL BEFORE SUBMITTING CERTAIN CHANGES TO THE STATE'S MEDICAID PROGRAM THROUGH STATE PLAN AMENDMENTS OR WAIVER APPLICATIONS TO FEDERAL AUTHORITIES; MAKING AN APPROPRIATION.

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

SECTION 1. Section 27-2-1 NMSA 1978 (being Laws 1973, Chapter 376, Section 1) is amended to read:

"27-2-1. SHORT TITLE.--Sections [~~1 through 20 of this act and Sections 13-1-9, 13-1-10, 13-1-12, 13-1-13, 13-1-17, 13-1-18, 13-1-18.1, 13-1-19, 13-1-20, 13-1-20.1, 13-1-21, 13-1-22, 13-1-27, 13-1-27.2, 13-1-27.3, 13-1-27.4, 13-1-28, 13-1-28.6, 13-1-29, 13-1-30, 13-1-34, 13-1-35, 13-1-37,~~

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1 ~~13-1-39, 13-1-40, 13-1-41 and 13-1-42 NMSA 1953]~~ 27-2-1 through
2 27-2-34 NMSA 1978 and Section 2 of this 2012 act may be cited
3 as the "Public Assistance Act".

4 SECTION 2. A new section of the Public Assistance Act is
5 enacted to read:

6 "[NEW MATERIAL] STATE MEDICAID PLAN AMENDMENTS--WAIVERS--
7 PRIOR LEGISLATIVE APPROVAL.--When the department proposes to
8 make changes to the state's medicaid program that have a fiscal
9 impact of more than one million dollars (\$1,000,000) or
10 proposes to modify eligibility standards; add, remove or modify
11 benefits; or add or modify cost-sharing or premium obligations
12 for recipients, the secretary shall obtain legislative approval
13 before submitting any of the following documents for federal
14 approval:

15 A. amendments to the state medicaid plan;
16 B. a waiver of state medicaid plan requirements; or
17 C. amendments to an existing waiver of state
18 medicaid plan requirements."

19 SECTION 3. APPROPRIATION.--Thirty-five thousand dollars
20 (\$35,000) is appropriated from the general fund to the human
21 services department for expenditure in fiscal year 2013 to
22 provide the department with the administrative support
23 necessary to seek legislative approval of medicaid changes
24 pursuant to state law. Any unexpended or unencumbered balance
25 remaining at the end of fiscal year 2013 shall revert to the

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general fund.