

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978 TO  
COMPLY WITH CHANGES IN FEDERAL REGULATIONS REGARDING THE  
REPLACEMENT OF SOLE COMMUNITY PROVIDERS WITH QUALIFYING  
HOSPITALS; ALLOWING CERTAIN COUNTIES TO IMPOSE AN ADDITIONAL  
INCREMENT OF THE COUNTY GROSS RECEIPTS TAX FOR THREE YEARS TO  
SUPPORT CERTAIN HOSPITALS THAT PROVIDE INDIGENT CARE;  
REQUIRING CERTAIN COUNTIES TO DEDICATE AND TRANSFER CERTAIN  
FUNDS TO THE SAFETY NET CARE POOL FUND ~~FOR THREE YEARS~~;  
DECLARING AN EMERGENCY.

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

SECTION 1. Section 7-1-6.13 NMSA 1978 (being Laws 1983,  
Chapter 211, Section 18, as amended) is amended to read:

"7-1-6.13. TRANSFER--REVENUES FROM COUNTY LOCAL OPTION  
GROSS RECEIPTS TAXES.--

A. Except as provided in Subsection B of this  
section, a transfer pursuant to Section 7-1-6.1 NMSA 1978  
shall be made to each county for which the department is  
collecting a local option gross receipts tax imposed by that  
county in an amount, subject to any increase or decrease made  
pursuant to Section 7-1-6.15 NMSA 1978, equal to the net  
receipts attributable to the local option gross receipts tax  
imposed by that county, less any deduction for administrative

1 cost determined and made by the department pursuant to the  
2 provisions of the act authorizing imposition by that county  
3 of the local option gross receipts tax and any additional  
4 administrative fee withheld pursuant to Subsection C of  
5 Section 7-1-6.41 NMSA 1978.

6 B. A transfer pursuant to this section may be  
7 adjusted for a distribution made to a tax increment  
8 development district with respect to a portion of a gross  
9 receipts tax increment dedicated by a county pursuant to the  
10 Tax Increment for Development Act."

11 SECTION 2. Section 7-20E-7 NMSA 1978 (being Laws 1993,  
12 Chapter 354, Section 7, as amended) is amended to read:

13 "7-20E-7. COLLECTION BY DEPARTMENT--TRANSFER OF  
14 PROCEEDS--DEDUCTIONS.--

15 A. The department shall collect each tax imposed  
16 pursuant to the provisions of the County Local Option Gross  
17 Receipts Taxes Act in the same manner and at the same time it  
18 collects the state gross receipts tax.

19 B. The department shall withhold an administrative  
20 fee pursuant to Section 7-1-6.41 NMSA 1978. The department  
21 shall transfer to each county for which it is collecting a  
22 tax pursuant to the provisions of the County Local Option  
23 Gross Receipts Taxes Act the amount of each tax collected for  
24 that county, less the administrative fee withheld and less  
25 any disbursements for tax credits, refunds and the payment of

1 interest applicable to the tax. The transfer to the county  
2 shall be made within the month following the month in which  
3 the tax is collected."

4 SECTION 3. Section 7-20E-9 NMSA 1978 (being Laws 1983,  
5 Chapter 213, Section 30, as amended) is amended to read:

6 "7-20E-9. COUNTY GROSS RECEIPTS TAX--AUTHORITY TO  
7 IMPOSE RATE--COUNTY HEALTH CARE ASSISTANCE FUND  
8 REQUIREMENTS.--

9 A. Except as provided in Subsection E of this  
10 section, a majority of the members of the governing body of a  
11 county may enact an ordinance imposing an excise tax not to  
12 exceed a rate of seven-sixteenths percent of the gross  
13 receipts of any person engaging in business in the county for  
14 the privilege of engaging in business in the county. An  
15 ordinance imposing an excise tax pursuant to this subsection  
16 shall impose the tax in three independent increments of  
17 one-eighth percent and one independent increment of  
18 one-sixteenth percent, which shall be separately denominated  
19 as "the first one-eighth increment", "the second one-eighth  
20 increment", "the third one-eighth increment" and "the  
21 one-sixteenth increment", respectively, not to exceed an  
22 aggregate amount of seven-sixteenths percent.

23 B. The tax authorized by this section is to be  
24 referred to as the "county gross receipts tax".

25 C. A class A county with a county hospital

1 operated and maintained pursuant to a lease or operating  
2 agreement with a state educational institution named in  
3 Article 12, Section 11 of the constitution of New Mexico  
4 enacting the second one-eighth increment of county gross  
5 receipts tax shall provide, each year that the tax is in  
6 effect, not less than one million dollars (\$1,000,000) in  
7 funds, and that amount shall be dedicated to the support of  
8 indigent patients who are residents of that county. Funds  
9 for indigent care shall be made available each month of each  
10 year the tax is in effect in an amount not less than  
11 eighty-three thousand three hundred thirty-three dollars  
12 thirty-three cents (\$83,333.33). The interest from the  
13 investment of county funds for indigent care may be used for  
14 other assistance to indigent persons, not to exceed twenty  
15 thousand dollars (\$20,000) for all other assistance in any  
16 year.

17 D. A county, except a class A county with a county  
18 hospital operated and maintained pursuant to a lease or  
19 operating agreement with a state educational institution  
20 named in Article 12, Section 11 of the constitution of  
21 New Mexico, imposing the second one-eighth increment of  
22 county gross receipts tax shall be required to dedicate the  
23 entire amount of revenue produced by the imposition of the  
24 second one-eighth increment for the support of indigent  
25 patients who are residents of that county. The revenue

1 produced by the imposition of the third one-eighth increment  
2 and the one-sixteenth increment may be used for general  
3 purposes. Any county that has imposed the second one-eighth  
4 increment or the third one-eighth increment, or both, on  
5 January 1, 1996 for support of indigent patients in the  
6 county or, after January 1, 1996, imposes the second  
7 one-eighth increment or imposes the third one-eighth  
8 increment and dedicates one-half of that increment for county  
9 indigent patient purposes shall deposit the revenue dedicated  
10 for county indigent purposes that is transferred to the  
11 county in the county health care assistance fund, and such  
12 revenues shall be expended pursuant to the Indigent Hospital  
13 and County Health Care Act.

14 E. Until June 30, 2017, in addition to the  
15 increments authorized pursuant to Subsection A of this  
16 section, the majority of the members of the governing body of  
17 a county, except a class A county with a hospital that is  
18 operated and maintained pursuant to a lease or operating  
19 agreement with a state educational institution named in  
20 Article 12, Section 11 of the constitution of New Mexico, may  
21 enact an ordinance imposing an excise tax of one-sixteenth  
22 percent or one-twelfth percent of the gross receipts of any  
23 person engaging in business in the county for the privilege  
24 of engaging in business in the county."

25 SECTION 4. Section 27-5-2 NMSA 1978 (being Laws 1965,

1 Chapter 234, Section 2, as amended) is amended to read:

2 "27-5-2. PURPOSE OF INDIGENT HOSPITAL AND COUNTY HEALTH  
3 CARE ACT.--The purpose of the Indigent Hospital and County  
4 Health Care Act is:

5 A. to recognize that each individual county of  
6 this state is the responsible agency for ambulance  
7 transportation, hospital care or the provision of health care  
8 to indigent patients domiciled in that county, as determined  
9 by resolution of the board of county commissioners, in  
10 addition to providing support for the state's medicaid  
11 program;

12 B. to recognize that the counties of the state are  
13 responsible for supporting indigent patients by providing  
14 local revenues to match federal funds for the state medicaid  
15 program pursuant to Section 7-20E-9 NMSA 1978 and the  
16 transfer of funds to the county-supported medicaid fund  
17 pursuant to the Statewide Health Care Act; and

18 C. to recognize that the counties of the state can  
19 improve the provision of health care to indigent patients by  
20 providing local revenues for countywide or multicounty health  
21 planning."

22 SECTION 5. Section 27-5-3 NMSA 1978 (being Laws 1965,  
23 Chapter 234, Section 3, as amended) is amended to read:

24 "27-5-3. PUBLIC ASSISTANCE PROVISIONS.--

25 A. A hospital shall not be paid from the fund

1 under the Indigent Hospital and County Health Care Act for  
2 costs of an indigent patient for services that have been  
3 determined by the department to be eligible for medicaid  
4 reimbursement.

5 B. No action for collection of claims under the  
6 Indigent Hospital and County Health Care Act shall be allowed  
7 against an indigent patient who is medicaid eligible for  
8 medicaid covered services, nor shall action be allowed  
9 against the person who is legally responsible for the care of  
10 the indigent patient during the time that person is medicaid  
11 eligible."

12 SECTION 6. Section 27-5-4 NMSA 1978 (being Laws 1965,  
13 Chapter 234, Section 4, as amended) is amended to read:

14 "27-5-4. DEFINITIONS.--As used in the Indigent Hospital  
15 and County Health Care Act:

16 A. "ambulance provider" or "ambulance service"  
17 means a specialized carrier based within the state authorized  
18 under provisions and subject to limitations as provided in  
19 individual carrier certificates issued by the public  
20 regulation commission to transport persons alive, dead or  
21 dying en route by means of ambulance service. The rates and  
22 charges established by public regulation commission tariff  
23 shall govern as to allowable cost. Also included are air  
24 ambulance services approved by the county. The air ambulance  
25 service charges shall be filed and approved pursuant to

1 Subsection D of Section 27-5-6 NMSA 1978 and Section 27-5-11  
2 NMSA 1978;

3 B. "cost" means all allowable costs of providing  
4 health care services, to the extent determined by resolution  
5 of a county, for an indigent patient. Allowable costs shall  
6 be based on medicaid fee-for-service reimbursement rates for  
7 hospitals, licensed medical doctors and osteopathic  
8 physicians;

9 C. "county" means a county except a class A county  
10 with a county hospital operated and maintained pursuant to a  
11 lease or operating agreement with a state educational  
12 institution named in Article 12, Section 11 of the  
13 constitution of New Mexico;

14 D. "department" means the human services  
15 department;

16 E. "fund" means a county health care assistance  
17 fund;

18 F. "health care services" means treatment and  
19 services designed to promote improved health in the county  
20 indigent population, including primary care, prenatal care,  
21 dental care, behavioral health care, alcohol or drug  
22 detoxification and rehabilitation, hospital care, provision  
23 of prescription drugs, preventive care or health outreach  
24 services, to the extent determined by resolution of the  
25 county;

1           G. "indigent patient" means a person to whom an  
2 ambulance service, a hospital or a health care provider has  
3 provided medical care, ambulance transportation or health  
4 care services and who can normally support the person's self  
5 and the person's dependents on present income and liquid  
6 assets available to the person but, taking into consideration  
7 the person's income, assets and requirements for other  
8 necessities of life for the person and the person's  
9 dependents, is unable to pay the cost of the ambulance  
10 transportation or medical care administered or both; provided  
11 that if a definition of "indigent patient" is adopted by a  
12 county in a resolution, the definition shall not include any  
13 person whose annual income together with that person's  
14 spouse's annual income totals an amount that is fifty percent  
15 greater than the per capita personal income for New Mexico as  
16 shown for the most recent year available in the survey of  
17 current business published by the United States department of  
18 commerce. "Indigent patient" includes a minor who has  
19 received ambulance transportation or medical care or both and  
20 whose parent or the person having custody of that minor would  
21 qualify as an indigent patient if transported by ambulance,  
22 admitted to a hospital for care or treated by a health care  
23 provider;

24           H. "medicaid eligible" means a person who is  
25 eligible for medical assistance from the department;

1 I. "planning" means the development of a  
2 countywide or multicounty health plan to improve and fund  
3 health services in the county based on the county's needs  
4 assessment and inventory of existing services and resources  
5 and that demonstrates coordination between the county and  
6 state and local health planning efforts;

7 J. "public entity" means a state, local or tribal  
8 government or other political subdivision or agency of that  
9 government; and

10 K. "qualifying hospital" means an acute care  
11 general hospital licensed by the department of health that is  
12 qualified to receive payments from the safety net care pool  
13 pursuant to an agreement with the federal centers for  
14 medicare and medicaid services."

15 SECTION 7. Section 27-5-6 NMSA 1978 (being Laws 1965,  
16 Chapter 234, Section 6, as amended) is amended to read:

17 "27-5-6. POWERS AND DUTIES OF COUNTIES RELATING TO  
18 INDIGENT CARE.--A county:

19 A. may budget for expenditure on ambulance  
20 services, burial expenses, hospital or medical expenses for  
21 indigent residents of that county and for costs of  
22 development of a countywide or multi county health plan. The  
23 combined costs of administration and planning shall not  
24 exceed the following percentages of revenues based on the  
25 previous fiscal year revenues for a fund that has existed for

1 at least one fiscal year or based on projected revenues for  
2 the year being budgeted for a fund that has existed for less  
3 than one fiscal year. The percentage of the revenues in the  
4 fund that may be used for such combined administrative and  
5 planning costs is equal to the sum of the following:

6 (1) ten percent of the amount of the  
7 revenues in the fund not over five hundred thousand dollars  
8 (\$500,000);

9 (2) eight percent of the amount of the  
10 revenues in the fund over five hundred thousand dollars  
11 (\$500,000) but not over one million dollars (\$1,000,000); and

12 (3) four and one-half percent of the amount  
13 of the revenues in the fund over one million dollars  
14 (\$1,000,000);

15 B. may accept contributions of public funds for  
16 county health care services, which shall be deposited in the  
17 fund;

18 C. may hire personnel to carry out the provisions  
19 of the Indigent Hospital and County Health Care Act;

20 D. shall transfer to the state by the last day of  
21 March, June, September and December of each year an amount  
22 equal to one-fourth of the county's payment pursuant to  
23 Section 16 of this 2014 act. This money shall be deposited  
24 in the safety net care pool fund;

25 E. shall, in carrying out the provisions of the

1 Indigent Hospital and County Health Care Act, comply with the  
2 standards of the federal Health Insurance Portability and  
3 Accountability Act of 1996;

4 F. may provide for the transfer of money from the  
5 fund to the county-supported medicaid fund to meet the  
6 requirements of the Statewide Health Care Act; and

7 G. may contract with ambulance providers,  
8 hospitals or health care providers for the provision of  
9 services for indigent patients domiciled within the county."

10 SECTION 8. Section 27-5-6.1 NMSA 1978 (being Laws 1993,  
11 Chapter 321, Section 18, as amended) is amended to read:

12 "27-5-6.1. SAFETY NET CARE POOL FUND CREATED.--

13 A. The "safety net care pool fund" is created in  
14 the state treasury. The safety net care pool fund, which  
15 shall be administered by the department, shall consist of  
16 public funds provided through intergovernmental transfers  
17 from counties or other public entities and transferred from  
18 counties pursuant to Section 16 of this 2014 act. Money in  
19 the fund shall be invested by the state treasurer as other  
20 state funds are invested. Any unexpended or unencumbered  
21 balance remaining in the fund at the end of any fiscal year  
22 shall not revert.

23 B. Money in the safety net care pool fund is  
24 appropriated to the department to make payments to qualifying  
25 hospitals. No safety net care pool fund payments or money in

1 the safety net care pool fund shall be used to supplant any  
2 general fund support for the state medicaid program."

3 SECTION 9. Section 27-5-7 NMSA 1978 (being Laws 1965,  
4 Chapter 234, Section 7, as amended) is amended to read:

5 "27-5-7. HEALTH CARE ASSISTANCE FUND.--

6 A. There is created in the county treasury of each  
7 county a "health care assistance fund".

8 B. Collections under the levy made pursuant to the  
9 Indigent Hospital and County Health Care Act and all payments  
10 shall be placed into the fund, and the amount placed in the  
11 fund shall be budgeted and expended only for the purposes  
12 specified in the Indigent Hospital and County Health Care  
13 Act, by warrant upon vouchers approved by the county.

14 Payments for indigent hospitalizations shall not be made from  
15 any other county fund.

16 C. The fund shall be audited in the manner that  
17 other state and county funds are audited, and all records of  
18 payments and verified statements of qualification upon which  
19 payments were made from the fund shall be open to the public.

20 D. Any balance remaining in the fund at the end of  
21 the fiscal year shall carry over into the ensuing year, and  
22 that balance shall be taken into consideration in the  
23 determination of the ensuing year's budget and certification  
24 of need for purposes of making a tax levy.

25 E. Money may be transferred to the fund from other

1 sources, but no transfers may be made from the fund for any  
2 purpose other than those specified in the Indigent Hospital  
3 and County Health Care Act."

4 SECTION 10. Section 27-5-7.1 NMSA 1978 (being Laws  
5 1993, Chapter 321, Section 16, as amended) is amended to  
6 read:

7 "27-5-7.1. COUNTY HEALTH CARE ASSISTANCE FUND--  
8 AUTHORIZED USES OF THE FUND.--

9 A. The fund may be used to pay for:

10 (1) expenses of burial or cremation of an  
11 indigent person;

12 (2) ambulance transportation, hospital care  
13 and health care services for indigent patients;

14 ~~(3) all or a portion of the monthly premiums~~  
15 ~~of health insurance policies for indigent patients;~~

16 ~~(4) all or a portion of the out-of-pocket~~  
17 ~~costs, including copayments and deductibles, incurred by~~  
18 ~~indigent patient insureds pursuant to the terms of a health~~  
19 ~~insurance policy; or~~

20 (5) county administrative expenses  
21 associated with fund expenditures authorized in Paragraphs  
22 ~~(1) through (4)~~ of this subsection.

23 B. The fund may be used to meet a county's  
24 obligation under Section 27-10-4 NMSA 1978."

25 SECTION 11. Section 27-5-9 NMSA 1978 (being Laws 1965,

1 Chapter 234, Section 9, as amended) is amended to read:

2 "27-5-9. TAX LEVIES AUTHORIZED.--

3 A. Subject to the provisions of Subsection B of  
4 this section, the board of county commissioners, upon the  
5 certification of the county as to the amount needed to  
6 provide health care to indigent residents of the county or to  
7 support the state's medicaid program, shall impose a levy  
8 against the net taxable value, as that term is defined in the  
9 Property Tax Code, of the property in the county sufficient  
10 to raise the amount certified by the county.

11 B. The question of imposing an indigent and  
12 medicaid health care levy for the purpose of the Indigent  
13 Hospital and County Health Care Act shall be submitted to the  
14 electors and voted upon as a separate question at the next  
15 subsequent general election or any special election called  
16 prior thereto for such purpose.

17 C. Upon finding by the board of county  
18 commissioners that an election will be necessary, the board  
19 of county commissioners shall meet and order an election to  
20 be held at a designated time in the county upon the question  
21 of imposing an indigent and medicaid health care levy for the  
22 purpose of the Indigent Hospital and County Health Care Act  
23 in the county. If the question is to be voted upon at a  
24 special election, the election shall be held not less than  
25 thirty nor more than fifty days after the finding, but in no

1 event shall the election be held within five days preceding  
2 or succeeding any general election held in the county. The  
3 order for the election shall be made a part of the official  
4 minutes of the board of county commissioners. A copy of the  
5 order shall be published in a newspaper of general  
6 circulation in the county at least fifteen days before the  
7 date set for the election, and an affidavit of publication  
8 shall be obtained. At least five days prior to the date for  
9 holding the election, the board of county commissioners shall  
10 publish in a newspaper of general circulation in the county  
11 and post in five conspicuous places in the county a notice of  
12 election, which shall be in substantially the following form:

13 "NOTICE OF ELECTION ON SPECIAL INDIGENT

14 AND MEDICAID HEALTH CARE LEVY

15 Notice is given on the \_\_\_\_\_ day of  
16 \_\_\_\_\_, 20\_\_\_\_, there will be held in  
17 \_\_\_\_\_ county of New Mexico an election  
18 on the question of imposing an indigent and medicaid health  
19 care levy to provide health care to indigent residents of the  
20 county or to support the state's medicaid program, such levy  
21 to be made annually against the taxable value of the property  
22 in the county and limited to an amount sufficient to provide  
23 funds necessary to support the state's medicaid program or to  
24 provide health care to indigent residents of the county who  
25 do not qualify for medicaid.

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

\_\_\_\_\_

Official Title of the Authority".

The election shall be held on the date specified in the notice and shall be, if a special election, conducted and canvassed in substantially the same manner as general elections are conducted and canvassed in the county; provided that the ballot used in any election shall be a special and separate ballot and shall be in substantially the following form:

"BALLOT

On the question of imposing an indigent and medicaid health care levy for the purposes of the Indigent Hospital and County Health Care Act, such levy to be made annually against the taxable value of the property in \_\_\_\_\_ county of New Mexico, and limited to an amount sufficient to provide funds budgeted and certified as necessary for health care for indigent residents of the county in addition to those services provided by the state or to support the state's medicaid program:

FOR THE LEVY..... \_\_\_\_\_  
AGAINST THE LEVY..... \_\_\_\_\_".

D. If the electors vote in favor of an indigent and medicaid health care levy, the levy shall become effective in the same manner prescribed by law for all levies upon property within that county, and a levy for those

1 purposes in such an amount as will provide sufficient money  
2 for the fund shall be made for each year thereafter.

3 E. Any board of county commissioners that has,  
4 prior to the effective date of this section, made a valid  
5 imposition of a property tax for the purpose of the Indigent  
6 Hospital and County Health Care Act shall not be required to  
7 hold an election on the existing tax, and that tax may be  
8 imposed and continue to be imposed in accordance with the  
9 provisions of law existing at the time of its imposition.  
10 However, if any such tax is not imposed in a given property  
11 tax year or if the authorization for its imposition  
12 terminates or expires, the election requirements of  
13 Subsections B and C of this section shall apply to any  
14 subsequent proposed imposition of a property tax for indigent  
15 health care for county residents or to support the state's  
16 medicaid program."

17 SECTION 12. Section 27-5-11 NMSA 1978 (being Laws 1965,  
18 Chapter 234, Section 12, as amended) is amended to read:

19 "27-5-11. QUALIFYING HOSPITAL DUTIES AND REPORTING.--

20 A. A qualifying hospital shall accept every  
21 indigent patient who seeks health care services from the  
22 qualifying hospital.

23 B. Qualifying hospitals shall:

24 ~~(1) provide financial counseling to patients~~  
25 ~~about their hospital bills;~~

1                   ~~(2)~~ have written financial assistance  
2 policies ~~consistent with this section~~ that are publicized ~~and~~  
3 ~~consistently applied; and~~

4                   ~~(3)~~ ~~make reasonable efforts to determine~~  
5 ~~whether patients are eligible for financial assistance before~~  
6 ~~initiating collections actions.~~

7                   ~~C. No action for collection of claims shall be~~  
8 ~~allowed against an indigent patient with a household income~~  
9 ~~under two hundred percent of the federal poverty level.~~

10                  D. Within thirty days of receiving a payment from  
11 the safety net care pool ~~fund~~, a qualifying hospital shall  
12 report the amount of such payment to the county within which  
13 it is located.

14                  E. In addition to the report required in  
15 Subsection D of this section, a qualifying hospital shall  
16 annually report to the county within which it is located the  
17 total costs of health care services provided in the previous  
18 calendar year."

19                  SECTION 13. Section 27-5-12 NMSA 1978 (being Laws 1965,  
20 Chapter 234, Section 13, as amended) is amended to read:

21                  "27-5-12. PAYMENT OF CLAIMS.--

22                  A. A hospital, ambulance service or health care  
23 provider filing a claim with the county shall:

24                         (1) file the claim with the county in which  
25 the indigent patient is domiciled;

1 (2) file the claim for each patient  
2 separately, with an itemized detail of the total cost; and

3 (3) file with the claim a verified statement  
4 of qualification for ambulance service, indigent hospital  
5 care or care from a health care provider signed by the  
6 patient or by the parent or person having custody of the  
7 patient to the effect that the patient qualifies under the  
8 provisions of the Indigent Hospital and County Health Care  
9 Act as an indigent patient and is unable to pay the cost for  
10 the care administered and listing all assets owned by the  
11 patient or any person legally responsible for the patient's  
12 care. The statement shall constitute an oath of the person  
13 signing it, and any false statements in the statement made  
14 knowingly constitute a felony.

15 B. A hospital, ambulance service or health care  
16 provider that has contracted with a county for provision of  
17 health care services shall provide evidence of health care  
18 services rendered for payment for services in accordance with  
19 the procedures specified in the contract."

20 SECTION 14. Section 27-5-12.1 NMSA 1978 (being Laws  
21 1979, Chapter 146, Section 3, as amended) is amended to read:

22 "27-5-12.1. APPEAL.--Any hospital or ambulance service  
23 aggrieved by any decision of the county may appeal to the  
24 district court pursuant to the provisions of Section 39-3-1.1  
25 NMSA 1978."

1 SECTION 15. Section 27-5-16 NMSA 1978 (being Laws 1965,  
2 Chapter 234, Section 16, as amended) is amended to read:

3 "27-5-16. DEPARTMENT--PAYMENTS--COOPERATION--  
4 REPORTING.--

5 A. The department shall not decrease the amount of  
6 any assistance payments made to the hospitals or health care  
7 providers of this state pursuant to law because of any  
8 financial reimbursement made to ambulance services, hospitals  
9 or health care providers for indigent or medicaid eligible  
10 patients as provided in the Indigent Hospital and County  
11 Health Care Act.

12 B. The department shall cooperate with each county  
13 in furnishing information or assisting in the investigation  
14 of any person to determine whether the person meets the  
15 qualifications of an indigent patient as defined in the  
16 Indigent Hospital and County Health Care Act.

17 C. The department shall provide an annual report  
18 to each county and each qualifying hospital on the previous  
19 calendar year's payments from the safety net care pool ~~fund~~  
20 for uncompensated care to qualifying hospitals and estimated  
21 payments of enhanced medicaid base rates. The annual report  
22 for the previous year shall be provided by July 1 of the  
23 succeeding year."

24 SECTION 16. A new section of the Indigent Hospital and  
25 County Health Care Act is enacted to read:

1 "TRANSFER TO SAFETY NET CARE POOL FUND.--

2 A. A county shall, by ordinance to be effective  
3 July 1, 2014 ~~through June 30, 2017~~, dedicate to the safety net  
4 care pool fund an amount equal to a gross receipts tax rate of  
5 one-twelfth percent applied to the taxable gross receipts  
6 reported during the prior fiscal year by persons engaging in  
7 business in the county. For purposes of this subsection, a  
8 county may use public funds from any existing authorized  
9 revenue source of the county.

10 B. A county enacting an ordinance pursuant to  
11 Subsection A of this section shall transfer to the safety net  
12 care pool fund by the last day of March, June, September and  
13 December of each year an amount equal to one-fourth of the  
14 county's payment to the safety net care pool fund."

15 SECTION 17. Section 27-10-3 NMSA 1978 (being Laws 1991,  
16 Chapter 212, Section 3, as amended) is amended to read:

17 "27-10-3. COUNTY-SUPPORTED MEDICAID FUND  
18 CREATED--USE--APPROPRIATION BY THE LEGISLATURE.--

19 A. There is created in the state treasury the  
20 "county-supported medicaid fund". The fund shall be invested  
21 by the state treasurer as other state funds are invested.  
22 Income earned from investment of the fund shall be credited to  
23 the county-supported medicaid fund. The fund shall not revert  
24 in any fiscal year.

25 B. Money in the county-supported medicaid fund is

1 subject to appropriation by the legislature to support the  
2 state medicaid program and to institute or support primary  
3 care health care services pursuant to Subsections D and E of  
4 Section 24-1A-3.1 NMSA 1978. Of the amount appropriated each  
5 year, nine percent shall be appropriated to the department of  
6 health to institute or support primary care health care  
7 services pursuant to Subsections D and E of Section 24-1A-3.1  
8 NMSA 1978.

9 C. Up to three percent of the county-supported  
10 medicaid fund each year may be expended for administrative  
11 costs related to medicaid or developing new primary care  
12 health care centers or facilities.

13 D. In the event federal funds for medicaid are not  
14 received by New Mexico for any eighteen-month period, the  
15 unencumbered balance remaining in the county-supported  
16 medicaid fund and the safety net care pool fund at the end of  
17 the fiscal year following the end of any eighteen-month period  
18 shall be paid within a reasonable time to each county for  
19 deposit in the county health care assistance fund in  
20 proportion to the payments made by each county through tax  
21 revenues or transfers in the previous fiscal year as certified  
22 by the local government division of the department of finance  
23 and administration. The department will provide for budgeting  
24 and accounting of payments to the fund."

25 SECTION 18. TEMPORARY PROVISION--TRANSFER OF REFERENCES

1 OF LAW.--

2 A. ~~On and after July 1, 2014,~~ references in law to  
3 a sole community provider hospital shall be deemed to be  
4 references to a qualifying hospital pursuant to the Indigent  
5 Hospital and County Health Care Act.

6 B. ~~On and after July 1, 2014,~~ references in law to  
7 a county indigent hospital claims fund shall be deemed to be  
8 references to a county health care assistance fund.

9 SECTION 19. TEMPORARY PROVISION--TRANSFER OF MONEY.--

10 A. On the effective date of this act, all money in  
11 the sole community provider fund shall be transferred to the  
12 safety net care pool fund.

13 B. On the effective date of this act, all money in  
14 a county's indigent hospital claims fund shall be transferred  
15 to the county's health care assistance fund.

16 SECTION 20. TEMPORARY PROVISION--TAX LEVIED PURSUANT TO  
17 SECTION 27-5-9 NMSA 1978 PRIOR TO EFFECTIVE DATE OF ACT.--A  
18 tax levied pursuant to Section 27-5-9 NMSA 1978 prior to  
19 January 1, 2014 shall remain in effect until the tax expires  
20 or is terminated.

21 SECTION 21. TEMPORARY PROVISION.--The Human Services  
22 department is directed to seek funds ~~and use its BAR authority~~  
23 to fully fund the safety net care pool fund.

24 SECTION 22. REPEAL.--Sections 27-5-5, 27-5-8, 27-5-10,  
25 27-5-12.2, 27-5-13, 27-5-14, 27-5-15 and 27-5-18 NMSA 1978

1 (being Laws 1965, Chapter 234, Sections 5, 8 and 11, Laws  
2 1993, Chapter 321, Section 15, Laws 1965, Chapter 234,  
3 Sections 14 and 15, Laws 1971, Chapter 72, Section 2 and  
4 Laws 1965, Chapter 234, Section 20, as amended) are repealed.

5 SECTION 23. EMERGENCY.--It is necessary for the public  
6 peace, health and safety that this act take effect  
7 immediately. \_\_\_\_\_

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25