HOUSE BILL 60

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

James Roger Madalena

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING A SECTION OF THE PUBLIC
ASSISTANCE ACT TO BAN MANDATORY ENROLLMENT OF NATIVE AMERICANS
IN MEDICAID MANAGED CARE.

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

**SECTION** 1.  Section 27-2-12.6 NMSA 1978 (being Laws 1994,
Chapter 62, Section 22) is amended to read:

"27-2-12.6.  MEDICAID PAYMENTS--MANAGED CARE--<u>NATIVE
AMERICANS OPTIONAL ENROLLMENT--NOTICE REQUIREMENTS</u>.--

A.  The department shall provide for a statewide,
managed care system to provide cost-efficient, preventive,
primary and acute care for medicaid recipients by July 1, 1995.

B.  The managed care system shall ensure:

(1)  access to medically necessary services,
particularly for medicaid recipients with chronic health

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1    problems;

2                   (2)   to the extent practicable, maintenance of

3    the rural primary care delivery infrastructure;

4                   (3)   that the department's approach is

5    consistent with national and state health care reform

6    principles; and

7                   (4)   to the maximum extent possible, that

8    medicaid-eligible individuals are not identified as such except

9    as necessary for billing purposes.

10        C.   The department may exclude nursing homes,

11   intermediate care facilities for the mentally retarded,

12   medicaid in-home and community-based waiver services and

13   residential and community-based mental health services for

14   children with serious emotional disorders from the provisions

15   of this section.

16        D.   The department shall not require the enrollment

17   in a managed care program of any recipient who self-identifies

18   as a Native American.

19        E.   The department shall afford any recipient who

20   self-identifies as a Native American the option of enrolling in

21   a medicaid managed care program or a medicaid fee-for-service

22   program for medical or behavioral health services.   Upon

23   determination of medicaid eligibility, a Native American may

24   choose to enroll in a medicaid managed care program or a

25   medicaid fee-for-service program.

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underscored material = new
[bracketed material] = delete

F. At the time of enrollment in medicaid, the
department shall provide notice to Native American applicants
and recipients that states clearly and prominently that Native
American recipients are not required to enroll in a medicaid
managed care program. In any communications requesting the
selection of a medicaid managed care organization, the
department must provide applicants and recipients with the
opportunity to identify themselves as Native Americans and
select the medicaid fee-for-service program.

G. The department shall enroll a Native American
recipient into the medicaid fee-for-service program unless the
recipient affirmatively chooses to enroll in a medicaid managed
care organization.

H. The department shall provide Native American
recipients the opportunity, on an individual basis, to enroll
in or disenroll from a medicaid managed care program or a
medicaid fee-for-service program every six months.

I. The department and each managed care entity with
which the department contracts to provide medicaid coverage
shall clearly and prominently state on each notice, letter,
informational material or instructional or marketing material
relating to managed care enrollment, distributed to or made
publicly available to recipients and potential recipients of
medicaid, that Native American recipients or potential
recipients are not required to enroll in a medicaid managed

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care program.  This statement shall be provided in a manner and

form that may be easily understood by Native American

recipients and potential recipients."

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