

1 SENATE JOINT MEMORIAL 22

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 Howie C. Morales

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10 A JOINT MEMORIAL

11 REQUESTING THAT THE GOVERNOR DIRECT THE SECRETARY OF HUMAN
12 SERVICES TO AFFORD ALL NEW MEXICO MEDICAID PROVIDERS THE SAME
13 DUE PROCESS PROTECTIONS AND COURTESIES THAT THE DEPARTMENT HAS
14 EXTENDED TO FIVE ARIZONA BEHAVIORAL HEALTH PROVIDERS.

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16 WHEREAS, following an audit, the human services department
17 abruptly suspended payments on June 24, 2013 to fifteen New
18 Mexico behavioral health agencies that provided approximately
19 ninety percent of the state's behavioral health services; and

20 WHEREAS, before payments were suspended, none of the
21 fifteen New Mexico behavioral health agencies were given the
22 opportunity to respond to any specific findings or concerns of
23 the human services department upon which the payment
24 suspensions were based; and

25 WHEREAS, fourteen of the fifteen behavioral health

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1 agencies still have not been told what findings or concerns of
2 the human services department formed the basis for payment
3 suspensions; and

4 WHEREAS, the payment suspensions continue and have been of
5 such duration that most of the suspended New Mexico behavioral
6 health providers have been put out of business, resulting in a
7 loss of jobs for many New Mexico behavioral health clinicians
8 and employees, with many having left or in the process of
9 leaving the state; and

10 WHEREAS, patient access to behavioral health services has
11 been, and continues to be, adversely affected by the disruption
12 to New Mexico's behavioral health system caused by the
13 suspension of payments; and

14 WHEREAS, the human services department replaced most of
15 the suspended New Mexico behavioral health agencies with five
16 agencies from Arizona, whose start-up costs have been paid for
17 by New Mexico taxpayers; and

18 WHEREAS, the human services department's contracts with
19 the Arizona agencies ensure that, before the department takes
20 any action against them based on any audit findings, the
21 Arizona providers will be given the opportunity to respond to
22 any of the department's concerns before payments are suspended;
23 and

24 WHEREAS, new human services department regulations
25 specifically deny a medicaid provider due process, both before

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1 and after the department comes to a determination of credible
2 allegation of fraud and suspension of payments; and

3 WHEREAS, in the new regulations and in its contracts, the
4 human services department continues to deny New Mexico medicaid
5 providers the same protections and courtesies afforded to the
6 five Arizona providers;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
8 STATE OF NEW MEXICO that Governor Susana Martinez be requested
9 to direct the secretary of human services to provide the same
10 due process protections and courtesies to New Mexico's medicaid
11 providers that have been afforded to the five Arizona
12 providers; and

13 BE IT FURTHER RESOLVED that copies of this memorial be
14 transmitted to the governor and the secretary of human
15 services.