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SENATE BILL 291

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO PUBLIC ASSISTANCE; ENACTING A NEW SECTION OF THE HUMAN SERVICES DEPARTMENT ACT TO ESTABLISH A MEDICAID BIRTHING OPTIONS PROGRAM AND THE POSITION OF BIRTHING OPTIONS PROGRAM DIRECTOR IN THE MANAGED CARE BUREAU OF THE MEDICAL ASSISTANCE DIVISION OF THE HUMAN SERVICES DEPARTMENT; PROVIDING FOR DUTIES OF THE BIRTHING OPTIONS PROGRAM DIRECTOR; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of the Human Services Department Act is enacted to read:

"[NEW MATERIAL] MEDICAID BIRTHING OPTIONS PROGRAM--
DIRECTOR--DUTIES.--

A. By October 1, 2016, the secretary shall adopt and promulgate rules to establish:

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1 (1) the "medicaid birthing options program" to
2 provide medicaid recipients with the option of giving birth
3 outside of a hospital and receive other related birthing
4 services performed by a certified nurse-midwife in the state
5 who participates in the medicaid birthing options program in
6 accordance with department rules; and

7 (2) the position of "medicaid birthing options
8 program director" in the managed care bureau of the medical
9 assistance division of the department.

10 B. The medicaid birthing options program director
11 shall:

12 (1) oversee the implementation of the medicaid
13 birthing options program for medicaid recipients who are
14 enrolled in managed care plans and those whose services are
15 reimbursed on a fee-for-service basis. The director shall
16 ensure that those medicaid recipients who wish to exercise
17 their options to participate in the medicaid birthing options
18 program are provided with an opportunity to do so;

19 (2) serve as an ombudsperson for health care
20 providers who provide services pursuant to the medicaid
21 birthing options program and shall:

22 (a) ensure that these providers receive
23 timely payment of claims;

24 (b) investigate and respond to
25 complaints from these providers; and

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1 (c) ensure that any claims recoupment or
2 other adverse determinations against these providers are made
3 in accordance with principles of due process and fairness under
4 the law; and

5 (3) oversee the performance of managed care
6 vendors that provide services pursuant to the medicaid birthing
7 options program to medicaid recipients and make recommendations
8 to the department for assuring adherence to contract terms.

9 C. As used in this section:

10 (1) "certified nurse-midwife" means a person
11 who is licensed by the board of nursing as a registered nurse
12 and who is registered with the public health division of the
13 department of health as a certified nurse-midwife; and

14 (2) "medicaid" means the joint state and
15 federal program that the department administers pursuant to
16 Titles 19 and 21 of the federal Social Security Act."

17 **SECTION 2. APPROPRIATION.**--One hundred thousand dollars
18 (\$100,000) is appropriated from the general fund to the human
19 services department for expenditure in fiscal year 2017 to
20 establish the medicaid birthing options program and the
21 position of medicaid birthing options program director in the
22 managed care bureau of the medical assistance division of the
23 human services department pursuant to Section 1 of this act.
24 Any unexpended or unencumbered balance remaining at the end of
25 fiscal year 2017 shall revert to the general fund.

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