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HOUSE JOINT MEMORIAL 21

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Georgene Louis and D. Wonda Johnson

A JOINT MEMORIAL

ASKING THE HUMAN SERVICES DEPARTMENT TO CONDUCT A STUDY TO ASSESS AND PREPARE A REPORT TO EXPLAIN WHETHER THE DEVELOPMENT OF ONE OR MORE TRIBALLY MANAGED CARE ORGANIZATIONS, MEDICAL MANAGEMENT ORGANIZATIONS, ACCOUNTABLE CARE ORGANIZATIONS OR A COMBINATION OF THOSE ORGANIZATIONS WOULD BEST ACHIEVE THE GOALS OF PROVIDING HIGH-QUALITY AND ACCESSIBLE HEALTH CARE TO NATIVE AMERICANS IN NEW MEXICO WHILE STILL MAXIMIZING COST SAVINGS TO THE STATE.

WHEREAS, New Mexico is home to twenty-four Native American nations, tribes and pueblos; and

WHEREAS, the Indian health service of the United States department of health and human services is the primary source of health care services for Native American patients; and

WHEREAS, the Indian health service is currently

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1 underfunded at forty-three percent of actual need and relies on  
2 third-party funding to achieve the access and delivery it now  
3 provides; and

4 WHEREAS, although New Mexico's Indian nations, tribes and  
5 pueblos rely on the Indian health service and have begun to  
6 build and manage health care facilities and providers within  
7 their respective lands, the need to utilize off-reservation  
8 health care providers continues to be great; and

9 WHEREAS, one hundred seventeen thousand four hundred  
10 seventy-three Native Americans living in the state are enrolled  
11 in the medicaid program and are considered to have full  
12 coverage medical benefits; and

13 WHEREAS, the Native American enrollees constitute sixteen  
14 and seven-tenths percent of all New Mexico medicaid enrollees  
15 in all similar categories; and

16 WHEREAS, pursuant to medicaid law and implementing  
17 regulations, the cost for Native American medicaid patients who  
18 are referred by an Indian health service provider to an off-  
19 reservation non-Indian health service provider is split between  
20 the federal and state governments, under which the federal  
21 government currently pays seventy-one and thirteen hundredths  
22 percent of costs and New Mexico pays the remaining twenty-eight  
23 and eighty-seven hundredths percent; and

24 WHEREAS, the New Mexico's medicaid cost share has created  
25 an enormous burden on the state's general fund; and

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1           WHEREAS, under a new policy proposed in October 2015 by  
2 the centers for medicare and medicaid services, the federal  
3 government could pay one hundred percent of the non-Indian  
4 health service provider costs for Native Americans enrolled in  
5 medicaid and referred by an Indian health service provider; and

6           WHEREAS, a calculation based on data provided by the human  
7 services department regarding emergency room encounters by  
8 Native American medicaid patients reveals that implementation  
9 of the centers for medicare and medicaid services proposed  
10 policy would save New Mexico nine million nine hundred eighty-  
11 eight thousand seven hundred sixty dollars (\$9,988,760); and

12           WHEREAS, the centers for medicare and medicaid services  
13 proposed policy has certain requirements that the state would  
14 need to meet to qualify;

15           WHEREAS, it is in the state's interest to consider  
16 adopting the requirements necessary to benefit from the  
17 proposed policy;

18           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
19 STATE OF NEW MEXICO that the human services department be  
20 requested to conduct a study to assess and prepare a report  
21 explaining whether the development of one or more tribally  
22 managed care organizations, medical management organizations,  
23 accountable care organizations or a combination of those  
24 organizations would best achieve the goals of providing high-  
25 quality and accessible health care to Native Americans in New

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1 Mexico while still maximizing cost savings to the state; and

2 BE IT FURTHER RESOLVED that the human services department  
3 be requested to work collaboratively with interested Indian  
4 nations, tribes and pueblos, health care providers, the Indian  
5 health service and other relevant entities in developing the  
6 study and producing the report; and

7 BE IT FURTHER RESOLVED that by October 1, 2017, the human  
8 services department be requested to provide the report to the  
9 governor, the leadership of all New Mexico's Indian nations,  
10 tribes and pueblos and the secretary of Indian affairs; and

11 BE IT FURTHER RESOLVED that by October 1, 2017, the human  
12 services department be requested to provide its findings to the  
13 legislative health and human services committee and the interim  
14 legislative committee concerned with Indian affairs; and

15 BE IT FURTHER RESOLVED that copies of this memorial be  
16 transmitted to the secretary of human services, the governor,  
17 the leadership of all New Mexico Indian nations, tribes and  
18 pueblos, the secretary of Indian affairs and the co-chairs of  
19 the New Mexico legislative council.

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