

HOUSE BILL 414

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Susan K. Herrera and Deborah A. Armstrong and Andrea Romero and
Christine Chandler and Joseph L. Sanchez

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO LONG-TERM CARE; Hf1 → ~~AMENDING AND ENACTING SECTIONS~~
~~ENACTING A SECTION~~ ← Hf1 OF THE NURSING HOME ADMINISTRATORS ACT
TO REQUIRE NOTICE OF NURSING HOME CLOSURE Hf1 → ~~;~~ ~~PROVIDING~~
~~PENALTIES~~ ← Hf1.

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

Hf1 → ~~SECTION 1. Section 61-13-14 NMSA 1978 (being Laws~~
~~1970, Chapter 61, Section 13) is amended to read:~~

~~"61-13-14. PENALTIES.--It shall be a misdemeanor for~~
~~[any] a person to:~~

.212090.2

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

underscored material = new

[bracketed material] = delete

Amendments: new = bold, blue, highlight

delete = bold, red, highlight, strikethrough

~~A. sell or fraudulently obtain or furnish [any] a license or aid or abet in the obtaining or furnishing of [any] a license under the Nursing Home Administrators Act;~~

~~B. practice as a nursing home administrator, under cover of [any] a license or registration illegally or fraudulently obtained or unlawfully issued;~~

~~C. practice as a nursing home administrator or use in connection with [his] the person's name [any] a designation tending to imply that [he] the person is a nursing home administrator unless duly licensed and registered to [so] practice under the provisions of the Nursing Home Administrators Act; [or]~~

~~D. practice as a nursing home administrator without a valid license or during the time [his] the person's license or registration issued under the provisions of the Nursing Home Administrators Act is suspended or revoked; or~~

~~E. fail to provide notice of nursing home closure in accordance with the provisions of Section 2 of this 2019 act."~~ ←Hf1

SECTION Hf1 → 2. 1. ←Hf1 A new section of the Nursing Home Administrators Act is enacted to read:

"[NEW MATERIAL] NURSING HOME CLOSURE--NOTICE.--

A. HJC → A Except as provided pursuant to Subsection C of this section, a ←HJC nursing home administrator shall:

.212090.2

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

(1) submit to the department of health, the office of the state long-term care ombudsman, residents of the nursing home and the legal representatives of nursing home residents or other responsible parties written notification of an impending closure at least Hfl→~~ninety~~ **sixty**←Hfl days before the date of closure. The notice shall include a plan, that has been approved by the department of health, for:

(a) the transfer and adequate relocation of the residents of the nursing home by a date specified by the department of health before closure; and

(b) assurances that the residents will be transferred to the most appropriate facility or other setting in terms of quality, services and location, taking into consideration the needs, choice and best interests of each resident; and

(2) ensure that the nursing home does not admit any new residents on or after the date on which written notification of closure is submitted pursuant to Paragraph (1) of this subsection.

B. The nursing home shall have in place policies and procedures to ensure that the administrator's duties and responsibilities involve providing the appropriate notices in the event of a facility closure, as required pursuant to Subsection A of this sectionHJC→.u←HJC

HJC→**C. The provisions of this section shall not**

.212090.2

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

apply to circumstances in which a nursing facility is involuntarily closed due to termination of the nursing facility's participation in medicare or medicaid by state or federal authorities.

D. As used in this section:

(1) "medicaid" means the joint federal-state health coverage program pursuant to Title 19 or Title 21 of the federal Social Security Act and rules promulgated pursuant to that act; and

(2) "medicare" means health coverage provided pursuant to the federal Health Insurance for the Aged Act, Title 18 of the federal Social Security Amendments of 1965, as then constituted or later amended."←HJC