

HOUSE BILL 13

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HEALTH; ENACTING A NEW SECTION OF THE PUBLIC ASSISTANCE ACT TO CLARIFY ELIGIBILITY FOR AND COVERAGE OF CERTAIN SERVICES PROVIDED TO NON-CITIZENS HSEIC→; **REQUIRING GUIDANCE FOR HEALTH CARE PROVIDERS; DECLARING AN EMERGENCY**←HSEIC .

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

SECTION 1. A new section of the Public Assistance Act is

.218418.4AIC February 15, 2021 (3:38pm)

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enacted to read:

"[NEW MATERIAL] EMERGENCY MEDICAL HSEIC→SERVICES FOR
ALIENS←HSEIC HSEIC→PROGRAM FOR NON-CITIZENS←HSEIC .--

A. In accordance with federal law, the secretary shall adopt and promulgate rules that provide medical assistance to non-citizens with an emergency medical condition, who meet all medicaid eligibility requirements, but are not in an immigration status that qualifies for medicaid.

B. For purposes of this section, "emergency medical condition" means any condition manifesting itself with acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

- (1) the patient's death;
- (2) placing the patient's health in serious jeopardy;
- (3) serious impairment to bodily functions; or
- (4) serious dysfunction of any bodily organ or part.

C. The medical conditions described in Subsection B of this section include:

- (1) labor and delivery, including inductions and cesarean sections; or
- (2) a disease or potential exposure to a disease that has caused the declaration of a public health

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emergency pursuant to the federal Public Health Service Act or a state public health emergency pursuant to the Public Health Emergency Response Act.

D. HSEIC→~~Services described in Paragraph (2) of Subsection C of this section shall be covered for the duration of the federal or state public health emergency. Services~~

←HSEIC HSEIC→Covered services←HSEIC shall include:

(1) those necessary to immunize against, evaluate or treat an emergency medical condition described in Paragraph (2) of Subsection C of this section, including diagnostic testing, testing-related services, medications, treatment for the emergency medical condition and any complications or co-infections HSEIC→as determined by the department←HSEIC , medical supplies, precautionary treatment following services and vaccinations HSEIC→and such services shall be covered for the duration of the federal or state public health emergency←HSEIC ; and

(2) labor and delivery services provided by an out-of-state border hospital or emergency transfers from an in-state acute care hospital to a border acute care hospital.

E. A child of a mother eligible for emergency services for labor and delivery services shall be deemed eligible for medicaid as of date of the child's birth.

F. The department shall:

(1) make applications for HSEIC→the←HSEIC

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emergency medical HSEIC→services←HSEIC HSEIC→program←HSEIC
for non-citizens available through the same process and methods
as other categories of medicaid;

(2) approve an eligible individual's
application for HSEIC→the←HSEIC emergency medical
HSEIC→services←HSEIC HSEIC→program←HSEIC for non-citizens
for a period of twelve months, including up to ninety days
prior to the individual's application;

(3) provide an eligible individual with a card
documenting the individual's eligibility for HSEIC→the←HSEIC
emergency medical HSEIC→services←HSEIC HSEIC→program←HSEIC
for non-citizens;

(4) notify providers of approval or denial of
applications for HSEIC→the←HSEIC emergency medical
HSEIC→services←HSEIC HSEIC→program←HSEIC for non-citizens
through the department's online portal; and

(5) notify providers and the eligible
individual if a claim for services is denied.

G. Claims for payment of services covered by
HSEIC→the←HSEIC emergency medical HSEIC→services←HSEIC
HSEIC→program←HSEIC for non-citizens shall be made by the
provider to the department in the same manner as fee-for-
service medicaid."

HSEIC→SECTION 2. A new section of the Public Assistance

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Act is enacted to read:

"[NEW MATERIAL] GUIDANCE TO PROVIDERS.--The department shall provide health care providers with guidance on accessing, prioritizing and maximizing available federal sources of claims reimbursement for services furnished to immunize against, evaluate or treat an emergency medical condition described in Paragraph (2) of Subsection C of Section 1 of this 2021 act."

SECTION 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.←HSEIC

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