

HOUSE BILL 112

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

INTRODUCED BY

Javier Martínez

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; HHC → ~~PROVIDING ELIGIBILITY FOR A STATE OR LOCAL HEALTH BENEFIT TO CERTAIN NON-CITIZENS; AMENDING THE HOSPITAL FUNDING ACT; AMENDING THE INDIGENT HOSPITAL AND COUNTY HEALTH CARE ACT~~ ← HHC HHC → **REQUIRING PROVISION OF HEALTH-RELATED BENEFITS AND SERVICES FOR INDIGENT PATIENTS REGARDLESS OF IMMIGRATION STATUS** ← HHC .

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

.218684.3AIC February 22, 2021 (10:25am)

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SECTION 1. [NEW MATERIAL] ELIGIBILITY FOR STATE OR LOCAL HEALTH BENEFITS.--

A. A state or local health benefit shall be provided to all non-citizens regardless of immigration status HHHC→, ←HHHC if they meet all other qualifying criteria for such benefit HHHC→~~and shall be provided consistent with the prohibitions against discrimination set forth pursuant to the laws of New Mexico~~←HHHC .

B. For purposes of this section:

(1) "health care services" means treatment and services designed to promote improved health, including primary care, prenatal care, dental care, behavioral health care, provision of prescription drugs, preventive care or health outreach services, provided by a state agency, county, local government or state educational institution named in Article 12, Section 11 of the constitution of New Mexico or an entity with which the state agency, county, local government or state educational institution named in Article 12, Section 11 of the constitution of New Mexico contracts to provide such services; and

(2) "state or local health benefit" means any health benefit for which payments, assistance or health care services are provided to an individual, household or family eligibility unit by an agency of the state, a county, a local government or a state educational institution named in Article

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12, Section 11 of the constitution of New Mexico or by appropriated funds of the state, a county, a local government or a state educational institution named in Article 12, Section 11 of the constitution of New Mexico, as permitted by federal law. HHHC→"State or local health benefit" includes care or services for indigent persons or patients provided or funded pursuant to the Hospital Funding Act or the Indigent Hospital and County Health Care Act.←HHHC

SECTION 2. Section 4-48B-8 NMSA 1978 (being Laws 1947, Chapter 148, Section 6, as amended) is amended to read:

"4-48B-8. SICK AND INDIGENT PERSONS--AGREEMENTS FOR CARE WITH STATE AND COUNTY AGENCIES.-- HHHC→A.←HHHC Counties, by their county commissioners, are authorized to make agreements with state or county agencies or other agencies for the care of sick and indigent persons. HHHC→Such care shall be provided to all non-citizens regardless of immigration status, if they meet all other qualifying criteria for such care."←HHHC

~~HHHC→B. Counties, county hospitals and contracting hospitals, including county hospitals operated and maintained pursuant to a lease or operating agreement with a state educational institution named in Article 12, Section 11 of the constitution of New Mexico, shall provide for the care and services of sick and indigent persons, including the provision of charity care and payment of health care costs from the health care assistance fund, to all non-citizens domiciled~~

~~within the county regardless of immigration status and
consistent with the prohibitions against discrimination set
forth pursuant to New Mexico law."~~←HHHC

SECTION 3. Section 27-5-6 NMSA 1978 (being Laws 1965, Chapter 234, Section 6, as amended) is amended to read:

"27-5-6. POWERS AND DUTIES OF COUNTIES RELATING TO INDIGENT CARE.-- HHC→A.←HHHC A county:

[A.] HHC→A.←HHHC HHC→~~(1)~~←HHHC may budget for expenditure on ambulance services, burial expenses, hospital or medical expenses for indigent residents of that county and for costs of development of a countywide or [~~multi-county~~] multicounty health plan. The combined costs of administration and planning shall not exceed the following percentages of revenues based on the previous fiscal year revenues for a fund that has existed for at least one fiscal year or based on projected revenues for the year being budgeted for a fund that has existed for less than one fiscal year. The percentage of the revenues in the fund that may be used for such combined administrative and planning costs is equal to the sum of the following:

[~~(1)~~] HHC→(1)←HHHC HHC→~~(a)~~←HHHC ten percent of the amount of the revenues in the fund not over five hundred thousand dollars (\$500,000);

[~~(2)~~] HHC→(2)←HHHC HHC→~~(b)~~←HHHC eight percent of the amount of the revenues in the fund over five

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hundred thousand dollars (\$500,000) but not over one million dollars (\$1,000,000); and

[~~(3)~~] HHC→**(3)**←HHC HHC→~~(c)~~←HHC four and one-half percent of the amount of the revenues in the fund over one million dollars (\$1,000,000);

[~~B~~] HHC→**B**←HHC HHC→~~(2)~~←HHC may accept contributions of public funds for county health care services, which shall be deposited in the fund;

[~~C~~] HHC→**C**←HHC HHC→~~(3)~~←HHC may hire personnel to carry out the provisions of the Indigent Hospital and County Health Care Act;

[~~D~~] HHC→**D**←HHC HHC→~~(4)~~←HHC shall transfer to the state by the last day of March, June, September and December of each year an amount equal to one-fourth of the county's payment pursuant to Section [~~16 of this 2014 act~~] 27-5-6.2 NMSA 1978. This money shall be deposited in the safety net care pool fund;

[~~E~~] HHC→**E**←HHC HHC→~~(5)~~←HHC shall, in carrying out the provisions of the Indigent Hospital and County Health Care Act, comply with the standards of the federal Health Insurance Portability and Accountability Act of 1996;

[~~F~~] HHC→**F**←HHC HHC→~~(6)~~←HHC may provide for the transfer of money from the fund to the county-supported medicaid fund to meet the requirements of the Statewide Health Care Act; and

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[G-] HHHC→G.←HHHC HHHC→(7)←HHHC may contract with ambulance providers, hospitals or health care providers for the provision of services for indigent patients domiciled within the county HHHC→; such services shall be provided to all non-citizens regardless of immigration status, if they meet all other qualifying criteria for such services←HHHC .

HSEIC→"←HSEIC

HSEIC→HHHC→B. A county shall, in carrying out the provisions of the Indigent Hospital and County Health Care Act, ensure that hospitals owned by the county and hospitals with which the county has contracted to provide health care services provide for the care and services of indigent patients, including the provision of charity care and payment of health care costs from the health care assistance fund, to all non-citizens domiciled within the county regardless of immigration status and consistent with the prohibitions against discrimination set forth under New Mexico law←HHHC←HSEIC

HSEIC→HSEIC→B. A county shall, in carrying out the provisions of the Indigent Hospital and County Health Care Act, ensure that hospitals owned by the county and hospitals with which the county has contracted to provide health care services provide for the care and services of indigent patients, including the provision of charity care and payment of health care costs from the health care assistance fund, to all non-citizens domiciled within the county regardless of

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~~immigration status and consistent with the prohibitions against
discrimination set forth under New Mexico law."~~HSEIC←HSEIC

HSEIC→SECTION 4. A new section of the Indigent Hospital
and County Health Care Act is enacted to read:

~~"[NEW MATERIAL] NON-DISCRIMINATION--INDIGENT PATIENTS.--
HSEIC→HHHC→County←HHHC←HSEIC HSEIC→County←HSEIC
HSEIC→HHHC→Qualifying←HHHC←HSEIC hospitals and hospitals with
which a county contracts HSEIC→HHHC→to←HHHC←HSEIC
HSEIC→to←HSEIC HSEIC→HHHC→provide health care services shall
provide for the care and services of indigent patients,
including the provision of charity care and payment of health
care costs from the health care assistance fund,←HHHC←HSEIC
HSEIC→provide health care services shall provide for the care
and services of indigent patients, including the provision of
charity care and payment of health care costs from the health
care assistance fund,←HSEIC HSEIC→HHHC→for the provision of
services for indigent patients shall provide their services for
indigent patients, including financial assistance←HHHC←HSEIC
to all non-citizens HSEIC→HHHC→domiciled within
the←HHHC←HSEIC HSEIC→domiciled within the ←HSEIC
HSEIC→HHHC→county←HHHC←HSEIC HSEIC→county←HSEIC regardless
of immigration status HSEIC→HHHC→and consistent with the
prohibitions against discrimination set forth pursuant to the
laws of New Mexico."←HHHC←HSEIC HSEIC→and consistent with the
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~~laws of New Mexico."←HSEIC HSEIC→HHHC→, if they meet all other
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services."←HHHC←HSEIC←HSEIC~~

HSEIC→SECTION 4. A new section of the Indigent Hospital
and County Health Care Act is enacted to read:

"[NEW MATERIAL] NONDISCRIMINATION--INDIGENT PATIENTS.--
Qualifying hospitals and hospitals with which a county
contracts to provide for the services of indigent patients
shall provide those services for indigent patients, including
financial assistance, to all non-citizens regardless of
immigration status, if they meet all other qualifying criteria
for such services."←HSEIC