

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 272

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

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 THE EASY ENROLLMENT ACT;
ESTABLISHING THE EASY ENROLLMENT PROGRAM; REQUIRING REVISION OF
STATE INCOME TAX FORMS TO ALLOW TAXPAYERS TO CONSENT TO
PROVISION OF CERTAIN INFORMATION PERTAINING TO ENROLLMENT IN
CERTAIN HEALTH COVERAGE PROGRAMS; ALLOWING THE HEALTH INSURANCE
EXCHANGE TO ENROLL CONSENTING TAXPAYERS IN QUALIFIED HEALTH
PLANS UNDER CERTAIN CIRCUMSTANCES; PROVIDING AN EXCEPTION TO
CONFIDENTIALITY FOR CERTAIN TAX RETURN INFORMATION.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through 5 of this act may be cited as the "Easy Enrollment Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Easy Enrollment Act:

A. "exchange" means the New Mexico health insurance exchange, composed of an exchange for the individual market and a small business health options program or small business health options exchange under a single governance and administrative structure;

B. "health coverage program" means medicaid, health care coverage available through the federal children's health insurance program, a qualified health plan available through the exchange pursuant to the New Mexico Health Insurance Exchange Act or a health plan available through the New Mexico medical insurance pool pursuant to the Medical Insurance Pool Act;

C. "insurance-relevant information" means information pertaining to the insurance enrollment status of a taxpayer or members of a taxpayer's household and that is derived or obtained from the taxpayer's state income tax return; provided that information is limited to that information necessary to assess the eligibility of the taxpayer

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or members of the taxpayer's household for health coverage programs and includes:

(1) SHPAC→~~modified~~←SHPAC adjusted gross income SHPAC→~~and other types of reported income used to assess eligibility for health coverage programs~~←SHPAC ;

(2) household size;

(3) claimed dependents; and

(4) contact information and identifying information necessary to assess health care coverage program eligibility and used to match against relevant third-party data sources;

D. "medicaid" means the joint federal-state health coverage program pursuant to Title 19 or Title 21 of the federal Social Security Act, as amended, and the rules promulgated pursuant to that act;

E. "qualified health plan" means a health plan that has in effect a certification from the superintendent of insurance that meets the standards set forth in applicable federal and state law and rules as well as any additional requirements established by the board of directors of the exchange pursuant to the New Mexico Health Insurance Exchange Act; and

F. "taxpayer" means an individual subject to the tax imposed pursuant to the Income Tax Act.

SECTION 3. [NEW MATERIAL] EASY ENROLLMENT PROGRAM--

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ESTABLISHMENT--PURPOSE.--The "easy enrollment program" is established to, in accordance with the provisions of the Easy Enrollment Act:

A. facilitate identification of taxpayers and members of the taxpayers' households who are uninsured;

B. provide taxpayers with a method to consent to the taxation and revenue department's provision of insurance-relevant information to the exchange for the purpose of SHPAC→~~assessing~~←SHPAC SHPAC→~~assessing~~←SHPAC eligibility for health coverage programs;

C. provide for notification to taxpayers regarding their eligibility or eligibility of their household members for health coverage programs; and

D. facilitate enrollment in health coverage programs.

SECTION 4. [NEW MATERIAL] TAXATION AND REVENUE DEPARTMENT DUTIES--INCOME TAX FORM REVISION--TAXPAYER CONSENT.--

A. The secretary of taxation and revenue shall revise the state income tax form to allow a taxpayer to:

(1) identify whether the taxpayer or members of the taxpayer's household are uninsured; and

(2) provide the taxpayer's consent to provide to the exchange:

(a) the taxpayer's insurance-relevant information; and

(b) information on any consent provided

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by the taxpayer pursuant to this paragraph.

B. If the exchange provides for enrollment of a taxpayer or a taxpayer's household member pursuant to Section 5 of the Easy Enrollment Act, the secretary of taxation and revenue shall additionally include on the state income tax form a space to allow a taxpayer to provide to the exchange:

(1) the taxpayer's consent to enroll:

(a) the taxpayer in a qualified health plan for which the taxpayer would not be charged a premium; or

(b) members of the taxpayer's household in a qualified health plan for which those members would not be charged a premium if: 1) coverage by the qualified health plan is available to those household members; and 2) the taxpayer has legal authority to consent to enroll those household members; and

(2) information on any consent provided by the taxpayer pursuant to this subsection.

C. The taxation and revenue department shall forward to the exchange:

(1) the taxpayer's insurance-relevant information if, on the taxpayer's state income tax form, the taxpayer elects to provide the taxpayer's insurance-relevant information to the exchange pursuant to Subsection B of this section; and

(2) information on any consent by a taxpayer provided pursuant to this section if the taxpayer agrees to

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provide information on that consent to the exchange in accordance with this section.

SECTION 5. [NEW MATERIAL] NEW MEXICO HEALTH INSURANCE EXCHANGE DUTIES.--

A. Upon receipt of a taxpayer's insurance-relevant information from the taxation and revenue department, the exchange shall assess the taxpayer's eligibility or the eligibility of members of the taxpayer's household for health coverage programs. If the required insurance-relevant information is insufficient to assess the eligibility of the taxpayer or of the members of the taxpayer's household for those health coverage programs, the exchange may request additional information from the taxpayer.

B. If the exchange assesses that a taxpayer or a member of the taxpayer's household is eligible for a qualified health plan available through the exchange pursuant to the New Mexico Health Insurance Exchange Act, the exchange shall provide the taxpayer with information on:

(1) qualified health plans available to the taxpayer or member of the taxpayer's household through the exchange;

(2) specific enrollment instructions for each of those qualified health plans available to the taxpayer or taxpayer's household; and

(3) the federal premium assistance credit provided pursuant to 26 U.S.C. 36B.

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C. If a taxpayer informs the exchange that the taxpayer is interested in enrolling in a qualified health plan for which the taxpayer or a member of the taxpayer's household is eligible, the exchange shall provide the taxpayer with a special enrollment period pursuant to the provisions of Section 59A-23F-6.1 NMSA 1978.

D. The exchange may enroll a taxpayer or the taxpayer's household member in a qualified health plan for which that person is eligible and for which that person would not be charged a premium; provided that the required consent under the required legal authority is made pursuant to Section 4 of the Easy Enrollment Act.

E. When, pursuant to this section, a taxpayer enrolls or is enrolled in a qualified health plan available through the exchange, the exchange shall:

(1) ensure that coverage begins within the time period required by law; and

(2) provide the taxpayer with at least an annual reminder of the need for the taxpayer to notify the exchange of any change in household circumstances applicable to health care coverage of the taxpayer or the taxpayer's household member.

F. If the exchange assesses that a taxpayer or a member of the taxpayer's household may be eligible for:

(1) medicaid or for health care coverage pursuant to the children's health insurance program, the

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exchange shall inform the taxpayer of that potential eligibility and refer the taxpayer to the human services department for enrollment purposes; or

(2) a health plan available through the New Mexico medical insurance pool pursuant to the Medical Insurance Pool Act, the exchange shall inform the taxpayer of that potential eligibility and refer the taxpayer to the New Mexico medical insurance pool for enrollment purposes.

SECTION 6. Section 7-1-8.10 NMSA 1978 (being Laws 2009, Chapter 243, Section 12) is amended to read:

"7-1-8.10. INFORMATION THAT MAY BE REVEALED TO PRIVATE PERSONS OTHER THAN THE TAXPAYER.--An employee of the department may reveal to:

A. a transferee, assignee, buyer or lessor of a liquor license, the amount and basis of an unpaid assessment of tax for which the transferor, assignor, seller or lessee is liable;

B. a purchaser of a business as provided in Sections 7-1-61 through 7-1-63 NMSA 1978, the amount and basis of an unpaid assessment of tax for which the purchaser's seller is liable;

C. a rack operator, importer, blender, distributor or supplier, the identity of a rack operator, importer, blender, supplier or distributor and the number of gallons reported on returns required under the Gasoline Tax Act, Special Fuels Supplier Tax Act or Alternative Fuel Tax Act, but

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only when it is necessary to enable the department to carry out its duties under the Gasoline Tax Act, the Special Fuels Supplier Tax Act or the Alternative Fuel Tax Act; ~~[and]~~

D. a corporation authorized to be formed under the Educational Assistance Act, upon its written request, the last known address and the date of that address of every person certified to the department as an absent obligor of an educational debt due and owed to the corporation or that the corporation has lawfully contracted to collect; this information may only be used by the corporation and its officers and employees to enforce the educational debt obligation of the absent obligors; and

E. the executive director of the New Mexico health insurance exchange:

(1) insurance-relevant information for which the taxpayer consents to disclosure in accordance with the provisions of the Easy Enrollment Act; and

(2) information on consent that a taxpayer provides on a state income tax return in accordance with the provisions of the Easy Enrollment Act."

SECTION 7. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2023.

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