

1 HOUSE BILL 112

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Javier Martínez

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10 AN ACT

11 RELATING TO HEALTH; PROVIDING ELIGIBILITY FOR A STATE OR LOCAL  
12 HEALTH BENEFIT TO CERTAIN NON-CITIZENS; AMENDING THE HOSPITAL  
13 FUNDING ACT; AMENDING THE INDIGENT HOSPITAL AND COUNTY HEALTH  
14 CARE ACT.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

24 B. For purposes of this section:

25 (1) "health care services" means treatment and

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1 services designed to promote improved health, including primary  
2 care, prenatal care, dental care, behavioral health care,  
3 provision of prescription drugs, preventive care or health  
4 outreach services, provided by a state agency, county, local  
5 government or state educational institution named in Article  
6 12, Section 11 of the constitution of New Mexico or an entity  
7 with which the state agency, county, local government or state  
8 educational institution named in Article 12, Section 11 of the  
9 constitution of New Mexico contracts to provide such services;  
10 and

11 (2) "state or local health benefit" means any  
12 health benefit for which payments, assistance or health care  
13 services are provided to an individual, household or family  
14 eligibility unit by an agency of the state, a county, a local  
15 government or a state educational institution named in Article  
16 12, Section 11 of the constitution of New Mexico or by  
17 appropriated funds of the state, a county, a local government  
18 or a state educational institution named in Article 12, Section  
19 11 of the constitution of New Mexico, as permitted by federal  
20 law.

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

23 "4-48B-8. SICK AND INDIGENT PERSONS--AGREEMENTS FOR CARE  
24 WITH STATE AND COUNTY AGENCIES.--

25 A. Counties, by their county commissioners, are

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1 authorized to make agreements with state or county agencies or  
2 other agencies for the care of sick and indigent persons.

3 B. Counties, county hospitals and contracting  
4 hospitals, including county hospitals operated and maintained  
5 pursuant to a lease or operating agreement with a state  
6 educational institution named in Article 12, Section 11 of the  
7 constitution of New Mexico, shall provide for the care and  
8 services of sick and indigent persons, including the provision  
9 of charity care and payment of health care costs from the  
10 health care assistance fund, to all non-citizens domiciled  
11 within the county regardless of immigration status and  
12 consistent with the prohibitions against discrimination set  
13 forth pursuant to New Mexico law."

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

16 "27-5-6. POWERS AND DUTIES OF COUNTIES RELATING TO  
17 INDIGENT CARE.--

18 A. A county:

19 [~~A.~~] (1) may budget for expenditure on  
20 ambulance services, burial expenses, hospital or medical  
21 expenses for indigent residents of that county and for costs of  
22 development of a countywide or [~~multi-county~~] multicounty  
23 health plan. The combined costs of administration and planning  
24 shall not exceed the following percentages of revenues based on  
25 the previous fiscal year revenues for a fund that has existed

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1 for at least one fiscal year or based on projected revenues for  
2 the year being budgeted for a fund that has existed for less  
3 than one fiscal year. The percentage of the revenues in the  
4 fund that may be used for such combined administrative and  
5 planning costs is equal to the sum of the following:

6 [~~1~~] (a) ten percent of the amount of  
7 the revenues in the fund not over five hundred thousand dollars  
8 (\$500,000);

9 [~~2~~] (b) eight percent of the amount of  
10 the revenues in the fund over five hundred thousand dollars  
11 (\$500,000) but not over one million dollars (\$1,000,000); and

12 [~~3~~] (c) four and one-half percent of  
13 the amount of the revenues in the fund over one million dollars  
14 (\$1,000,000);

15 [~~B-~~] (2) may accept contributions of public  
16 funds for county health care services, which shall be deposited  
17 in the fund;

18 [~~G-~~] (3) may hire personnel to carry out the  
19 provisions of the Indigent Hospital and County Health Care Act;

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

25 [~~E-~~] (5) shall, in carrying out the provisions

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1 of the Indigent Hospital and County Health Care Act, comply  
2 with the standards of the federal Health Insurance Portability  
3 and Accountability Act of 1996;

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

7 [G-] (7) may contract with ambulance  
8 providers, hospitals or health care providers for the provision  
9 of services for indigent patients domiciled within the county.

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

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

22 "[NEW MATERIAL] NON-DISCRIMINATION--INDIGENT PATIENTS.--  
23 County hospitals and hospitals with which a county contracts to  
24 provide health care services shall provide for the care and  
25 services of indigent patients, including the provision of

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1 charity care and payment of health care costs from the health  
2 care assistance fund, to all non-citizens domiciled within the  
3 county regardless of immigration status and consistent with the  
4 prohibitions against discrimination set forth pursuant to the  
5 laws of New Mexico."