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AN ACT
RELATING TO HEALTH; REQUIRING PROVISION OF HEALTH-RELATED
BENEFITS AND SERVICES FOR INDIGENT PATIENTS REGARDLESS OF
IMMIGRATION STATUS.

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

SECTION 1. 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, if they meet all other qualifying criteria for such
benefit.

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

1 any health benefit for which payments, assistance or health
2 care services are provided to an individual, household or
3 family eligibility unit by an agency of the state, a county,
4 a local government or a state educational institution named
5 in Article 12, Section 11 of the constitution of New Mexico
6 or by appropriated funds of the state, a county, a local
7 government or a state educational institution named in
8 Article 12, Section 11 of the constitution of New Mexico, as
9 permitted by federal law. "State or local health benefit"
10 includes care or services for indigent persons or patients
11 provided or funded pursuant to the Hospital Funding Act or
12 the Indigent Hospital and County Health Care Act.

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

15 "4-48B-8. SICK AND INDIGENT PERSONS--AGREEMENTS FOR
16 CARE WITH STATE AND COUNTY AGENCIES.--Counties, by their
17 county commissioners, are authorized to make agreements with
18 state or county agencies or other agencies for the care of
19 sick and indigent persons. Such care shall be provided to
20 all non-citizens, regardless of immigration status, if they
21 meet all other qualifying criteria for such care."

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

24 "27-5-6. POWERS AND DUTIES OF COUNTIES RELATING TO
25 INDIGENT CARE.--A county:

1 A. may budget for expenditure on ambulance
2 services, burial expenses, hospital or medical expenses for
3 indigent residents of that county and for costs of
4 development of a countywide or multicounty health plan. The
5 combined costs of administration and planning shall not
6 exceed the following percentages of revenues based on the
7 previous fiscal year revenues for a fund that has existed for
8 at least one fiscal year or based on projected revenues for
9 the year being budgeted for a fund that has existed for less
10 than one fiscal year. The percentage of the revenues in the
11 fund that may be used for such combined administrative and
12 planning costs is equal to the sum of the following:

13 (1) ten percent of the amount of the
14 revenues in the fund not over five hundred thousand dollars
15 (\$500,000);

16 (2) eight percent of the amount of the
17 revenues in the fund over five hundred thousand dollars
18 (\$500,000) but not over one million dollars (\$1,000,000); and

19 (3) four and one-half percent of the amount
20 of the revenues in the fund over one million dollars
21 (\$1,000,000);

22 B. may accept contributions of public funds for
23 county health care services, which shall be deposited in the
24 fund;

25 C. may hire personnel to carry out the provisions

1 of the Indigent Hospital and County Health Care Act;

2 D. shall transfer to the state by the last day of
3 March, June, September and December of each year an amount
4 equal to one-fourth of the county's payment pursuant to
5 Section 27-5-6.2 NMSA 1978. This money shall be deposited in
6 the safety net care pool fund;

7 E. shall, in carrying out the provisions of the
8 Indigent Hospital and County Health Care Act, comply with the
9 standards of the federal Health Insurance Portability and
10 Accountability Act of 1996;

11 F. may provide for the transfer of money from the
12 fund to the county-supported medicaid fund to meet the
13 requirements of the Statewide Health Care Act; and

14 G. may contract with ambulance providers,
15 hospitals or health care providers for the provision of
16 services for indigent patients domiciled within the county;
17 such services shall be provided to all non-citizens,
18 regardless of immigration status, if they meet all other
19 qualifying criteria for such services."

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

22 "NONDISCRIMINATION--INDIGENT PATIENTS.--Qualifying
23 hospitals and hospitals with which a county contracts to
24 provide for the services of indigent patients shall provide
25 those services for indigent patients, including financial

1 assistance, to all non-citizens, regardless of immigration
2 status, if they meet all other qualifying criteria for such
3 services."

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