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HOUSE BILL 138

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Patsy Trujillo Knauer

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH; PROVIDING FOR NURSING STAFF LEVELS AT NURSING FACILITIES.

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

Section 1. NURSING FACILITIES--NURSING STAFF LEVELS. --

A. Nursing facilities licensed pursuant to the provisions of Section 24-1-5 NMSA 1978 shall employ nursing staff sufficient to meet the care needs of the residents at all times.

B. By December 31, 1999, the department of health shall adopt rules to establish requirements for minimum nursing staff in nursing facilities and for publicly posting the number of nursing staff on duty. Prior to proposing those rules, the department of health shall cooperate with and receive recommendations from the human services department,

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1 the state agency on aging, consumers, providers and advocates
2 regarding the fiscal and service criteria applicable to the
3 rules. Consideration shall be given to altering the state's
4 reimbursement rates contingent upon the residents'
5 required level of care and nursing staff levels. The
6 effective date of the rules shall be July 1, 2000.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 2, 1999
7

8 Mr. Speaker:
9

10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred
12

13 HOUSE BILL 138
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15 has had it under consideration and reports same with
16 recommendation that it DO NOT PASS, but that

17 HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE
18 FOR HOUSE BILL 138
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20 DO PASS.
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HBIC/HB 138

Page 4

Respectfully submitted,

Debbie A. Rodella, Vice
Chairwoman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Kissner, Mohorovic, Luna

Absent: None

J: \99BillSWP\H0138

1 HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
2 HOUSE BILL 138
3 44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999
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9 AN ACT

10 RELATING TO HEALTH; PROVIDING FOR RECOUPMENT OF MONEY PAID TO
11 NURSING FACILITIES FOR INSUFFICIENT OR POOR QUALITY SERVICES.

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

13 Section 1. NURSING FACILITIES-- COMPLAINTS--
14 INVESTIGATION-- RECOUPMENT. --

15 A. As used in this section:

16 (1) "nursing facility" means a residential
17 facility licensed by the department of health to provide care
18 to patients, including a skilled nursing facility, an
19 intermediate care facility or an intermediate care facility
20 for the mentally retarded;

21 (2) "patient" means a person who is sick,
22 disabled, elderly or mentally retarded and who is a resident
23 of a nursing facility; and

24 (3) "responsible party" means a legal
25 guardian or other person entitled to act on behalf of a
patient.

1 B. Complaints alleging insufficient or poor
2 quality services not meeting department of health standards
3 required for nursing facilities may be made to the department
4 of health, the long-term care ombudsman in the state agency on
5 aging, the adult protective services division of the children,
6 youth and families department or the human services
7 department. The agency receiving the complaint shall promptly
8 investigate the charges, pursuant to a joint protocol
9 established under Subsection L of Section 24-1-5 NMSA 1978.

10 C. Beginning on July 1, 2001, medicaid
11 reimbursements or payments for nursing home services shall be
12 based on the nursing home's performance of quality care
13 measures, including the number of complaints and the manner in
14 which the nursing home resolves substantiated complaints by
15 members of the joint protocol. The human services department
16 shall adopt rules implementing this provision no later than
17 October 1, 1999.

18 D. The human services department shall establish
19 hearing procedures by rule assuring that minimal procedural
20 due process safeguards are afforded. A person aggrieved by a
21 final decision of a department may appeal pursuant to Section
22 39-3-1.1 NMSA 1978.
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FORTY- FOURTH LEGISLATURE
FIRST SESSION

March 4, 1999

HOUSE FLOOR AMENDMENT number _____ to HOUSE BUSINESS AND INDUSTRY
COMMITTEE SUBSTITUTE FOR HOUSE
BILL 138

Amendment sponsored by Representative Patsy Trujillo Knauer

1. On page 1, line 11, after "FOR" strike the remainder of the
line, strike line 12 in its entirety and insert in lieu thereof
'INCREASED QUALITY CARE IN NURSING FACILITIES THROUGH REIMBURSEMENT OR
PAYMENT. ".

2. On page 1, line 16, after "INVESTIGATION" STRIKE "--
RECOUPMENT".

3. On page 2, line 4, after "Complaints" strike the remainder of
the line and on line 5, strike "quality services" and insert in lieu
thereof "alleging a nursing facility is".

4. On page 2, lines 14 and 15, strike "be based on" and insert
in lieu thereof "take into account".

5. On page 2, line 15, strike "home's" and insert in lieu
thereof "facility's".

FORTY- FOURTH LEGISLATURE
FIRST SESSION

1 HBIC/HB 138

2 ~~HF1~~/HBIC/HB 138

Page 8

3 6. On page 2, line 17, strike "home" and insert in lieu thereof
4 "facility".
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7 _____
8 Patsy Trujillo Knauer

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11 Adopted _____ Not Adopted _____
12 (Chief Clerk) (Chief Clerk)

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15 Date _____
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