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SENATE BILL 436

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

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO DEVELOPMENTAL DISABILITIES; PROVIDING FOR AN ANNUAL COST-OF-LIVING INCREASE FOR CERTAIN DEVELOPMENTAL DISABILITIES SERVICE PROVIDERS.

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

Section 1. Section 28-16A-16 NMSA 1978 (being Laws 1993, Chapter 50, Section 16) is amended to read:

"28-16A-16. DETERMINATION OF RATES FOR PAYMENT FOR SUPPORT AND SERVICES. --

A. The department shall develop, implement and maintain a provider reimbursement system based on the level of support and services required by a person with a developmental disability.

B. If the approved funding from the legislature does not permit the implementation of a reimbursement system

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1 using the considerations provided for in this section, the
2 department shall develop and implement a service reduction
3 plan.

4 C. The department shall develop and include
5 annually in its budget request submitted to the governor and
6 the legislative finance committee a specific request for a
7 cost-of-living increase for physical therapists who are
8 service providers. If the legislature approves funding for
9 this item, the department shall, at the beginning of each
10 fiscal year, increase payments to developmental disabilities
11 physical therapists who are service providers by the precise
12 cost-of-living increase percentage amount approved by the
13 legislature. In developing its cost-of-living budget request,
14 the department shall use the health care financing
15 administration basket index inflation factor.

16 [~~C.~~] D. The department shall report to the
17 legislature and the governor the impact of any service
18 reduction plans and the steps that will be taken to reinstate
19 those services.

20 [~~D.~~] E. The department shall report annually to
21 the legislature and the governor an estimate of the costs of
22 maintaining support and services for persons with
23 developmental disabilities being served, including the effects
24 of changes in the costs of providing support and services, an
25 estimate of the costs of providing support and services to

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1 persons that are eligible for service but not receiving
2 services and the request of the department for funding of
3 services.

4 [E-] F. Contractors shall be required to submit
5 records of support and services delivered as determined by the
6 department, subject to monitoring by the department.

7 [F-] G. Contingent upon appropriations, the
8 department shall conduct an independent biannual cost study
9 for the purpose of establishing payment rates. The results of
10 this study shall be submitted to the legislature. "

11 Section 2. EFFECTIVE DATE. --The effective date of the
12 provisions of this act is July 1, 2001.