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SENATE BILL 724

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

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO DISABILITIES; PROVIDING FOR CONSUMER DIRECTION OF
PERSONAL CARE SERVICES IN CERTAIN PUBLICLY FUNDED PROGRAMS.

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

Section 1. SHORT TITLE. -- This act may be cited as the
"Consumer Direction Act".

Section 2. PURPOSE. -- The purpose of the Consumer
Direction Act is to ensure a consumer the right to direct his
personal care services if he so chooses by selecting an
attendant appropriate to his needs and to maximize personal
care service availability and satisfaction.

Section 3. DEFINITIONS. -- As used in the Consumer
Direction Act:

A. "attendant" means a person, including an
allowable family member, who provides personal care services;

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1 B. "consumer" means a person receiving personal
2 care services through the medicaid personal care option
3 program under the human services department or the medicaid
4 disabled and elderly waiver program under the department of
5 health;

6 C. "department" means the department of health or
7 the human services department, as the context requires;

8 D. "fiscal intermediary" means a person selected
9 by agreement between the consumer and the department under
10 contract to the department to assist the consumer to perform
11 certain employment functions, including payroll
12 responsibilities for the attendant and filing necessary
13 eligibility information with the department;

14 E. "personal assistance services" means a
15 prescribed course of regular personal care, including hygiene,
16 mobility and daily living assistance that permits a person to
17 live in his home rather than an institution, including
18 bathing, dressing, grooming, eating, toileting, shopping,
19 transporting and communicating;

20 F. "plan" means a written agreement between a
21 consumer and the department for the provision of personal care
22 services; and

23 G. "surrogate" means a family member, legal
24 guardian or other person approved by the consumer and
25 identified in the personal care services plan to assist in

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1 direction of personal care services and choice of attendant.

2 Section 4. CONSUMER DIRECTION PROGRAMS AUTHORIZED. --

3 Consistent with the federal Social Security Act and subject to
4 the appropriation and availability of federal and state funds,
5 the department shall by rule provide, pursuant to the medicaid
6 personal care option program or the medicaid disabled and
7 elderly waiver program respectively, a program permitting a
8 consumer or surrogate to direct personal care services through
9 the hiring of an attendant or attendants paid through a fiscal
10 intermediary under contract with the department.

11 Section 5. DEPARTMENT DUTIES. --The department shall:

12 A. establish by rule criteria and procedures for
13 developing and amending a personal care services plan with a
14 consumer;

15 B. develop criteria and procedures for selection
16 of a fiscal intermediary to contract with the department to
17 provide fiscal intermediary services to a consumer; and

18 C. establish rates for reimbursement of an
19 attendant providing personal care services to a consumer and
20 for the compensation of a fiscal intermediary.

21 Section 6. REPORT. --Annually by October 1, each

22 department shall deliver a report to the legislative finance
23 committee on services provided pursuant to the Consumer
24 Direction Act and a comparison of those services and services
25 provided by the department through other means and an

1 evaluation of the effectiveness and consumer satisfaction with
2 the respective means of service delivery.

3 Section 7. EFFECTIVE DATE. --The effective date of the
4 provisions of this act is July 1, 1999.

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

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8 Mr. President:

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10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

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13 SENATE BILL 724

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

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19 Respectfully submitted,

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24 _____
25 Shannon Robinson, Chairman

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

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7 Date _____

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10 The roll call vote was 5 For 0 Against

11 Yes: 5

12 No: 0

13 Excused: Boitano, Garcia, Leavell, Stockard

14 Absent: None

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 11, 1999
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8 Mr. Speaker:
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10 Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
11 whom has been referred
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13 SENATE BILL 724
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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21 _____
22 Patsy Trujillo Knauer, Chairwoman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 0 Against

Yes: 4

Excused: Hamilton, Hawkins, King

Absent: None

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