

1 AN ACT
2 RELATING TO HEALTH CARE COVERAGE; ADJUSTING ELIGIBILITY
3 REQUIREMENTS FOR PARTICIPATING IN THE NEW MEXICO HEALTH
4 INSURANCE EXCHANGE; DECLARING AN EMERGENCY.
5

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

7 SECTION 1. Section 59A-23F-11 NMSA 1978 (being Laws
8 2021, Chapter 136, Section 4, as amended) is amended to read:

9 "59A-23F-11. HEALTH CARE AFFORDABILITY FUND.--

10 A. The "health care affordability fund" is created
11 in the state treasury. The fund consists of distributions,
12 appropriations, gifts, grants and donations. Money in the
13 fund at the end of a fiscal year shall not revert to any
14 other fund. The health care authority shall administer the
15 fund, and money in the fund is subject to appropriation by
16 the legislature for purposes provided by this section.
17 Disbursements from the fund shall be made by warrant of the
18 secretary of finance and administration pursuant to vouchers
19 signed by the secretary of health care authority or the
20 secretary's authorized representative.

21 B. The purpose of the fund is to:

22 (1) reduce health care premiums and cost
23 sharing for New Mexico residents who purchase health care
24 coverage on the New Mexico health insurance exchange;

25 (2) reduce premiums for small businesses and

1 their employees purchasing health care coverage in the fully
2 insured small group market;

3 (3) provide resources for planning, design
4 and implementation of health care coverage initiatives for
5 uninsured New Mexico residents;

6 (4) provide resources for administration of
7 state health care coverage initiatives for uninsured New
8 Mexico residents;

9 (5) cover a portion or all of the net
10 premium health benefit contributions for state employees
11 enrolled in health benefit plans covered by the Health Care
12 Purchasing Act who do not qualify for medicaid and:

13 (a) have a modified adjusted gross
14 income up to two hundred fifty percent of the federal poverty
15 level; or

16 (b) purchase employee-only coverage and
17 receive an annual salary from the state of fifty thousand
18 dollars (\$50,000) or less; and

19 (6) cover a portion or all of the net
20 premiums for members of the New Mexico national guard who
21 qualify for a federal TRICARE reserve select policy.

22 C. If the federal Patient Protection and
23 Affordable Care Act or other federal coverage programs that
24 enable New Mexico residents to secure affordable

25 comprehensive health care coverage are repealed in full or in

1 part by an act of congress, invalidated by the United States
2 supreme court or administered by the United States department
3 of health and human services in a way that eliminates or
4 reduces access to comprehensive health care coverage for New
5 Mexico residents through medicaid or the New Mexico health
6 insurance exchange, the fund may be used to maintain coverage
7 through the New Mexico health insurance exchange, medical
8 assistance programs or other programs established or
9 administered by the health care authority; provided that
10 coverage is prioritized for New Mexico residents with incomes
11 below two hundred percent of the federal poverty level.

12 D. Prior to July 1, 2025, the staff of the
13 legislative finance committee shall conduct a program
14 evaluation to measure the impact of changes to the health
15 insurance premium surtax and the creation of the health care
16 affordability fund as it relates to the purpose of the fund.

17 E. Prior to July 1 of each year, the health care
18 authority shall provide actuarial data from the health care
19 affordability fund to the legislative finance committee.

20 F. Prior to July 1 of each year, the secretary of
21 health care authority, in consultation with the
22 superintendent, the secretary of taxation and revenue and the
23 chief executive officer of the New Mexico health insurance
24 exchange, shall work with the legislative finance committee
25 and the department of finance and administration to develop

1 and report on performance measures relating to the health
2 care affordability fund and any programs or initiatives
3 funded by the fund."

4 SECTION 2. Section 59A-23F-12 NMSA 1978 (being Laws
5 2021, Chapter 136, Section 5, as amended) is amended to read:

6 "59A-23F-12. HEALTH CARE AFFORDABILITY PLAN--
7 RULEMAKING--REPORTING REQUIREMENTS.--

8 A. Rules covering the following provisions may be
9 amended as the health care authority determines:

10 (1) providing enhanced premium and cost-
11 sharing assistance to individuals and families for the
12 purchase of qualified health plans on the New Mexico health
13 insurance exchange. In providing this assistance, the health
14 care authority shall develop health care affordability
15 criteria designed to reduce the amount that individuals pay
16 in premiums and out-of-pocket medical expenses for qualified
17 health plans offered on the New Mexico health insurance
18 exchange; and

19 (2) establishing income eligibility
20 parameters for the health care affordability criteria for
21 plan year 2023 and each subsequent calendar year based on
22 available funds. New Mexico residents who qualify shall:

23 (a) have a household income below four
24 hundred percent of the federal poverty level and qualify for
25 the advanced premium tax credit under the federal Patient

1 Protection and Affordable Care Act; or

2 (b) meet all eligibility criteria for
3 the advanced premium tax credit under the federal Patient
4 Protection and Affordable Care Act except for household
5 income requirements.

6 B. If the federal Patient Protection and
7 Affordable Care Act is repealed in full or in part by an act
8 of congress, invalidated by the United States supreme court
9 or administered by the United States department of health and
10 human services in a way that alters eligibility criteria for
11 the advanced premium tax credit in a manner that would cause
12 significant coverage loss for New Mexico residents, the
13 health care authority may promulgate rules to minimize loss
14 of coverage by expanding eligibility to cover individuals at
15 risk of losing coverage due to such changes, subject to
16 available funds.

17 C. The health care authority, in consultation with
18 the superintendent, the New Mexico medical insurance pool,
19 the department of health and stakeholder groups, including
20 health care providers that serve uninsured residents, health
21 insurance carriers and consumer advocacy groups, may update
22 the plan for extending health care coverage access to
23 uninsured New Mexico residents who do not qualify for federal
24 premium assistance or, except by reason of incarceration,
25 qualified health plans, through the New Mexico health

1 insurance exchange. The plan shall include:

2 (1) details about health care benefits;

3 (2) health care affordability criteria

4 designed to reduce the amount that individuals pay in
5 premiums and out-of-pocket medical expenses under the plan
6 and that result in, to the greatest extent possible, health
7 care costs comparable to costs for New Mexico residents for
8 whom assistance is provided under Subsection A of this
9 section; and

10 (3) income eligibility parameters that
11 prioritize eligibility for New Mexico residents with incomes
12 under two hundred percent of the federal poverty level.

13 D. On or before October 31, 2024 and each October
14 31 thereafter, the health care authority shall submit a
15 report to the legislative finance committee and the
16 legislative health and human services committee that
17 includes:

18 (1) a summary of the affordability criteria
19 implemented pursuant to Subsections A, B and C of this
20 section;

21 (2) the estimated number of uninsured New
22 Mexico residents who enrolled in coverage following
23 implementation of the affordability criteria pursuant to
24 Subsections A, B and C of this section; and

25 (3) the amount in reduced costs and coverage

1 assistance the initiatives provided in the current and
2 previous calendar years by income level, county and coverage
3 source."

4 SECTION 3. EMERGENCY.--It is necessary for the public
5 peace, health and safety that this act take effect
6 immediately. _____

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