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HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO HEALTH; AMENDING A SECTION OF THE HUMAN SERVICES DEPARTMENT ACT TO PROVIDE FOR INTERVENTIONS FOR NONVIOLENT OFFENDERS WHO HAVE BEHAVIORAL HEALTH DIAGNOSES IN WAYS LIKELY TO REDUCE RECIDIVISM, DETENTION AND INCARCERATION; AMENDING SECTIONS OF THE INDIGENT HOSPITAL AND COUNTY HEALTH CARE ACT TO INCLUDE PERSONS INCARCERATED IN COUNTY JAILS AS INDIGENT PATIENTS AND TO ALLOW FOR THE APPLICATION OF MONEY IN THE HEALTH CARE ASSISTANCE FUND FOR MEDICAL TRANSPORTATION.

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

SECTION 1. Section 9-8-7.1 NMSA 1978 (being Laws 2007, Chapter 325, Section 4) is amended to read:

"9-8-7.1. BEHAVIORAL HEALTH SERVICES DIVISION--POWERS AND DUTIES OF THE HUMAN SERVICES DEPARTMENT.--Subject to appropriation, the department shall:

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1 A. contract for behavioral health treatment and
2 support services, including mental health, alcoholism and other
3 substance abuse services;

4 B. establish standards for the delivery of
5 behavioral health services, including quality management and
6 improvement, performance measures, accessibility and
7 availability of services, utilization management, credentialing
8 and recredentialing, rights and responsibilities of providers,
9 preventive behavioral health services, clinical treatment and
10 evaluation and the documentation and confidentiality of client
11 records;

12 C. ensure that all behavioral health services,
13 including mental health and substance abuse services, that are
14 provided, contracted for or approved are in compliance with the
15 requirements of Section 9-7-6.4 NMSA 1978;

16 D. assume responsibility for and implement adult
17 mental health and substance abuse services in the state in
18 coordination with the children, youth and families department;

19 E. for individuals who are incarcerated in a state,
20 county or municipal correctional facility and charged with
21 nonviolent offenses and nonviolent adult and juvenile offenders
22 who have behavioral health diagnoses, create, implement and
23 continually evaluate the effectiveness of a framework for
24 targeted, individualized interventions that address those
25 persons' behavioral health needs while they are incarcerated

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1 and connect them to resources and services immediately upon
2 release that reduce the likelihood of recidivism, detention and
3 incarceration, such as supportive housing, public assistance,
4 medical assistance, behavioral health treatment and employment
5 training;

6 ~~[E-]~~ F. establish criteria for determining
7 individual eligibility for behavioral health services; and

8 ~~[F-]~~ G. maintain a management information system in
9 accordance with standards for reporting clinical and fiscal
10 information."

11 **SECTION 2.** Section 27-5-4 NMSA 1978 (being Laws 1965,
12 Chapter 234, Section 4, as amended) is amended to read:

13 "27-5-4. DEFINITIONS.--As used in the Indigent Hospital
14 and County Health Care Act:

15 A. "ambulance provider" or "ambulance service"
16 means a specialized carrier based within the state authorized
17 under provisions and subject to limitations as provided in
18 individual carrier certificates issued by the public regulation
19 commission to transport persons alive, dead or dying en route
20 by means of ambulance service. The rates and charges
21 established by public regulation commission tariff shall govern
22 as to allowable cost. Also included are air ambulance services
23 approved by the county. The air ambulance service charges
24 shall be filed and approved pursuant to Subsection D of Section
25 27-5-6 NMSA 1978 and Section 27-5-11 NMSA 1978;

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1 B. "cost" means all allowable costs of providing
2 health care services, to the extent determined by resolution of
3 a county, for an indigent patient. Allowable costs shall be
4 based on medicaid fee-for-service reimbursement rates for
5 hospitals, licensed medical doctors and osteopathic physicians;

6 C. "county" means a county except a class A county
7 with a county hospital operated and maintained pursuant to a
8 lease or operating agreement with a state educational
9 institution named in Article 12, Section 11 of the constitution
10 of New Mexico;

11 D. "department" means the human services
12 department;

13 E. "fund" means a county health care assistance
14 fund;

15 F. "health care services" means treatment and
16 services designed to promote improved health in the county
17 indigent population, including primary care, prenatal care,
18 dental care, behavioral health care, alcohol or drug
19 detoxification and rehabilitation, hospital care, provision of
20 prescription drugs, preventive care or health outreach
21 services, to the extent determined by resolution of the county;

22 G. "indigent patient" means a person to whom an
23 ambulance service, a hospital or a health care provider has
24 provided medical care, ambulance transportation, medical
25 transportation or health care services and who can normally

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1 support the person's self and the person's dependents on
2 present income and liquid assets available to the person but,
3 taking into consideration the person's income, assets and
4 requirements for other necessities of life for the person and
5 the person's dependents, is unable to pay the cost of the
6 ambulance transportation, medical transportation or medical
7 care administered [~~or both~~]; provided that if a definition of
8 "indigent patient" is adopted by a county in a resolution, the
9 definition shall not include any person whose annual income
10 together with that person's spouse's annual income totals an
11 amount that is fifty percent greater than the per capita
12 personal income for New Mexico as shown for the most recent
13 year available in the survey of current business published by
14 the United States department of commerce. "Indigent patient"
15 includes:

16 (1) a minor who has received ambulance
17 transportation, medical transportation or medical care [~~or~~
18 ~~both~~] and whose parent or the person having custody of that
19 minor would qualify as an indigent patient if transported by
20 ambulance, admitted to a hospital for care or treated by a
21 health care provider; and

22 (2) a person who is being incarcerated in a
23 county jail;

24 H. "medicaid eligible" means a person who is
25 eligible for medical assistance from the department;

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1 I. "medical transportation" means nonemergency
2 transport of a person to seek or receive health care services
3 or supplies;

4 [~~F.~~] J. "planning" means the development of a
5 countywide or multicounty health plan to improve and fund
6 health services in the county based on the county's needs
7 assessment and inventory of existing services and resources and
8 that demonstrates coordination between the county and state and
9 local health planning efforts;

10 [~~J.~~] K. "public entity" means a state, local or
11 tribal government or other political subdivision or agency of
12 that government; and

13 [~~K.~~] L. "qualifying hospital" means an acute care
14 general hospital licensed by the department of health that is
15 qualified to receive payments from the safety net care pool
16 pursuant to an agreement with the federal centers for medicare
17 and medicaid services."

18 SECTION 3. Section 27-5-7.1 NMSA 1978 (being Laws 1993,
19 Chapter 321, Section 16, as amended) is amended to read:

20 "27-5-7.1. COUNTY HEALTH CARE ASSISTANCE FUND--AUTHORIZED
21 USES OF THE FUND.--

- 22 A. The fund may be used to pay for:
- 23 (1) expenses of burial or cremation of an
 - 24 indigent person;
 - 25 (2) ambulance transportation, medical

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1 transportation, hospital care and health care services for
2 indigent patients; or
3 [~~(5)~~] (3) county administrative expenses
4 associated with fund expenditures authorized in Paragraphs (1)
5 and (2) of this subsection.

6 B. The fund may be used to meet a county's
7 obligation under Section 27-10-4 NMSA 1978."

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