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BILL

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO LONG-TERM SERVICES; MOVING ADMINISTRATION OF THE  
COORDINATION OF LONG-TERM SERVICES PROGRAM CURRENTLY  
ADMINISTERED BY THE AGING AND LONG-TERM SERVICES DEPARTMENT TO  
THE HUMAN SERVICES DEPARTMENT.

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

**SECTION 1. [NEW MATERIAL] COORDINATION OF LONG-TERM  
SERVICES PROGRAM.--**

A. As of January 1, 2012, the human services  
department is designated as the single state agency charged  
with the administration of the coordination of long-term  
services program for disabled, elderly or brain-injured  
persons.

B. The human services department shall make  
whatever state plan amendments or medicaid waiver applications

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1 necessary to achieve maximum flexibility, coordination and  
2 integration of long-term services in the coordination of long-  
3 term services program.

4 C. For the purposes of this section:

5 (1) "administration" means control of the  
6 fiscal and programmatic aspects, including, but not limited to:

- 7 (a) promulgation of rules;  
8 (b) application for state medicaid plan  
9 amendments and federal waivers pursuant to the federal Social  
10 Security Act;  
11 (c) financial management;  
12 (d) reporting to federal and state  
13 authorities;  
14 (e) contract management;  
15 (f) policy development;  
16 (g) quality assurance;  
17 (h) interagency coordination; and  
18 (i) oversight; and

19 (2) "coordination of long-term services  
20 program" means a coordinated program of physical health and  
21 home- and community-based supports and services implemented  
22 pursuant to Title 19 of the federal Social Security Act or  
23 under the authority of federal waivers pursuant to Title 19 of  
24 the federal Social Security Act.

25 SECTION 2. Section 9-23-9 NMSA 1978 (being Laws 2004,

.182859.3

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1 Chapter 23, Section 9) is amended to read:

2 "9-23-9. DIVISIONS--GENERAL DUTIES.--In addition to the  
3 duties assigned to each division of the department by the  
4 secretary:

5 A. the administrative services division shall  
6 provide clerical, recordkeeping and administrative support to  
7 the department in the areas of personnel, budget, procurement  
8 and contracting;

9 B. the consumer and elder rights division shall  
10 administer the long-term care ombudsman program and provide  
11 health insurance and benefits counseling and legal services;

12 C. the aging network services division shall  
13 administer the federal Older ~~[Americans]~~ Americans Act of 1965  
14 programs;

15 ~~[D. the long-term care division shall administer~~  
16 ~~home- and community-based long-term care programs;]~~ and

17 ~~[E.]~~ D. the adult protective services division  
18 shall provide adult protective services."

19 SECTION 3. TEMPORARY PROVISION--COORDINATION OF LONG-TERM  
20 SERVICES PROGRAM--TRANSFER OF PROPERTY, CONTRACTS AND  
21 REFERENCES IN LAW.--On January 1, 2010:

22 A. all appropriations, money, records, equipment,  
23 supplies and other property relating to the coordination of  
24 long-term services program currently located at the aging and  
25 long-term services department shall be transferred from the

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1 aging and long-term services department to the human services  
2 department;

3 B. all contracts relating to the coordination of  
4 long-term services program currently binding and effective upon  
5 the aging and long-term services department shall be binding  
6 and effective on the human services department; and

7 C. all references in law to the coordination of  
8 long-term services program at the aging and long-term services  
9 department shall be deemed to be references to the human  
10 services department.