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BILL

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

INTRODUCED BY

DISCUSSION DRAFT

FOR THE GOVERNMENT RESTRUCTURING TASK FORCE

AN ACT

RELATING TO LONG-TERM SERVICES; MOVING ADMINISTRATION OF  
CERTAIN LONG-TERM SERVICES PROGRAMS 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] LONG-TERM SERVICES PROGRAMS.--**

A. As of July 1, 2011, the human services  
department is designated as the single state agency charged  
with the administration of:

- (1) the coordination of long-term services  
program for disabled, elderly or brain-injured individuals;
- (2) that component of the mi via self-directed  
waiver program that serves disabled, elderly or brain-injured  
individuals who meet the criterion of needing a nursing-

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1 facility level of care;

2 (3) the program of all-inclusive care for the  
3 elderly;

4 (4) the brain injury services program; and

5 (5) quality assurance programs related to any  
6 of the programs listed in Paragraphs (1) through (4) of this  
7 subsection.

8 B. The human services department shall make any  
9 state plan amendments and medicaid waiver applications that are  
10 necessary to achieve maximum flexibility, coordination and  
11 integration of long-term services in the coordination of long-  
12 term services program.

13 C. For the purposes of this section:

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

16 (a) promulgation of rules;

17 (b) application for state medicaid plan  
18 amendments and federal waivers pursuant to the federal Social  
19 Security Act;

20 (c) financial management;

21 (d) reporting to federal and state  
22 authorities;

23 (e) contract management;

24 (f) policy development;

25 (g) quality assurance;

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1 (h) interagency coordination; and

2 (i) oversight; and

3 (2) "coordination of long-term services  
4 program" means a coordinated program of physical health and  
5 home- and community-based supports and services implemented  
6 pursuant to Title 19 of the federal Social Security Act or  
7 under the authority of federal waivers pursuant to Title 19 of  
8 the federal Social Security Act.

9 SECTION 2. Section 9-23-9 NMSA 1978 (being Laws 2004,  
10 Chapter 23, Section 9) is amended to read:

11 "9-23-9. DIVISIONS--GENERAL DUTIES.--In addition to the  
12 duties assigned to each division of the department by the  
13 secretary:

14 A. the administrative services division shall  
15 provide clerical, recordkeeping and administrative support to  
16 the department in the areas of personnel, budget, procurement  
17 and contracting;

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

21 C. the aging network services division shall  
22 administer the federal Older ~~[Americans]~~ Americans Act of 1965  
23 programs;

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

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