

1 SENATE BILL 113

2 **44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,**  
3 **2000**

4 INTRODUCED BY

5 Michael S. Sanchez  
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11 AN ACT

12 RELATING TO HEALTH; PROVIDING FOR MINIMUM STANDARDS OF CARE  
13 AND NURSING STAFF LEVELS AT NURSING FACILITIES.  
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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 Section 1. NURSING FACILITIES--NURSING STAFF LEVELS.--

17 A. Nursing facilities licensed pursuant to the  
18 provisions of Section 24-1-5 NMSA 1978 shall employ nursing  
19 department staff sufficient to meet the care needs of the  
20 residents.  
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22 B. By December 31, 2000, the department of health  
23 shall adopt rules to establish requirements for minimum  
24 standards of care and minimum nursing department staff in  
25 nursing facilities and for publicly posting the number of  
nursing department staff on duty. Prior to proposing those  
rules, the department of health shall cooperate with and  
receive comments from the human services department, the

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state agency on aging, consumers, providers and advocates regarding the fiscal considerations and service criteria applicable to the rules. The effective date of the rules shall be July 1, 2001.

C. By December 31, 2000, the human services department shall adopt rules that require that medicaid reimbursements or payments for nursing facility services take into account the nursing facility's nurse staff levels and minimum standards of care, including the number of complaints and the manner in which the nursing facility resolves substantiated complaints by members of the joint protocol, established pursuant to Subsection L of Section 24-1-5 NMSA 1978, on these requirements. The effective date of the rules shall be July 1, 2001.

D. The human services department shall establish by rule hearing procedures assuring that minimal procedural due process safeguards be afforded. A person aggrieved by a final decision of a department may appeal pursuant to Section 39-3-1.1 NMSA 1978.