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HOUSE BILL 939

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ben Lujan

AN ACT

**RELATING TO PRESCRIPTION DRUGS; ALLOWING THE HUMAN SERVICES
DEPARTMENT TO EXEMPT A SUBCONTRACTOR FROM THE MINIMUM
DISPENSING FEE; AMENDING A SECTION OF THE NMSA 1978.**

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

**Section 1. Section 27-2-16 NMSA 1978 (being Laws 1974,
Chapter 31, Section 1, as amended) is amended to read:**

"27-2-16. COMPLIANCE WITH FEDERAL LAW. --

**A. Subject to the availability of state funds, the
human services department may provide assistance to aged, blind
or disabled individuals in the amounts consistent with federal
law to enable the state to be eligible for medicaid funding.
Individuals shall be determined to be aged, blind or disabled
according to regulations of the human services department.**

B. If drug product selection is permitted by

underscored material = new
[bracketed material] = delete

1 Section 26-3-3 NMSA 1978, reimbursement by the medicaid program
2 shall be limited to the wholesale cost of the lesser expensive
3 therapeutic equivalent drug generally available in New Mexico
4 plus a reasonable dispensing fee of at least three dollars
5 sixty-five cents (\$3.65) for fee-for-service prescription
6 drugs; provided that if the human services department
7 subcontracts prescription drug services, the department may
8 exempt a subcontractor from the minimum dispensing fee and
9 allow the subcontractor to negotiate an appropriate dispensing
10 fee with a pharmacy or other prescription drug supplier. "