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HOUSE BILL 726

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY  
Danice Picraux

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO HEALTH CARE; PROVIDING FOR HOME- AND COMMUNITY-  
BASED SERVICES AND HOSPICE SERVICES TO BE PROVIDED  
CONCURRENTLY.

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

Section 1. A new section of the Public Assistance Act is  
enacted to read:

"[NEW MATERIAL] HOME- AND COMMUNITY-BASED SERVICES AND  
HOSPICE SERVICES PROVIDED CONCURRENTLY.--

A. A medicaid recipient eligible for home- and  
community-based services and hospice services may receive the  
services concurrently. A medicaid recipient receiving home-  
and community-based services, including services pursuant to  
the developmentally disabled waiver program, the disabled and  
elderly waiver program, the HIV/AIDS waiver program, the

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1 medically fragile waiver program and the personal care option  
2 program shall not be denied medicaid hospice services on the  
3 basis that the recipient receives home- and community-based  
4 services.

5 B. If a medicaid recipient receives home- and  
6 community-based services and hospice services concurrently, the  
7 hospice care program providing hospice services is responsible  
8 for assessing, planning, monitoring, directing and evaluating  
9 the recipient's care that relates to the recipient's terminal  
10 illness and shall maintain communication with the case manager  
11 of the home- and community-based services program, or with the  
12 case manager's designee, to ensure that the recipient receives  
13 appropriate care. The hospice care program and the community-  
14 based services program shall develop a coordinated plan of care  
15 regarding the recipient's terminal illness."

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