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HOUSE BILL 721

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO HEALTH CARE; AMENDING THE COUNTY MATERNAL AND CHILD  
HEALTH ACT TO INCLUDE TRIBES; CHANGING THE TITLE OF THAT ACT.

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

Section 1. Section 24-1B-1 NMSA 1978 (being Laws 1991,  
Chapter 113, Section 1) is amended to read:

"24-1B-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article 1B  
NMSA 1978 may be cited as the "[~~County~~] Maternal and Child  
Health Plan Act".

Section 2. Section 24-1B-2 NMSA 1978 (being Laws 1991,  
Chapter 113, Section 2) is amended to read:

"24-1B-2. PURPOSE OF ACT.--The purpose of the [~~County~~]  
Maternal and Child Health Plan Act is to encourage the  
development of comprehensive, community-based maternal and  
child health services to meet the needs of childbearing women

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1 and their families [~~and thereby improve the long-term health of~~  
2 ~~New Mexicans across the state~~]."

3 Section 3. Section 24-1B-3 NMSA 1978 (being Laws 1991,  
4 Chapter 113, Section 3) is amended to read:

5 "24-1B-3. DEFINITIONS.--As used in the [County] Maternal  
6 and Child Health Plan Act:

7 A. "board" means the board of county commissioners  
8 [~~in~~] of a county or leadership of a tribe;

9 B. "department" means the department of health;  
10 [~~and environment department; and~~]

11 C. "planning council" means the [county] maternal  
12 and child health planning council; and

13 D. "tribe" means an Indian nation, tribe or pueblo  
14 located within the boundaries of the state."

15 Section 4. Section 24-1B-4 NMSA 1978 (being Laws 1991,  
16 Chapter 113, Section 4) is amended to read:

17 "24-1B-4. PLANNING COUNCIL CREATED--MEMBERSHIP.--

18 A. The board may create a [county] maternal and  
19 child health planning council, and it may appoint members for  
20 terms designated by the board. The members of the planning  
21 council shall be selected to represent a broad spectrum of  
22 interests that may include [county] elected officials, tribal  
23 officials, community-based program providers, childbearing and  
24 parenting families, residents, local school administrators,  
25 local political leaders, employees of the income support

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1 office, employees of the county field health office, maternal  
2 and child health care providers, obstetricians, family  
3 physicians, nurses, mid-level providers and hospital  
4 administrators.

5 B. Members of the planning council shall elect from  
6 among themselves a [~~chairman~~] chair for a term designated by  
7 the board. The planning council shall meet at the call of the  
8 [~~chairman~~] chair.

9 C. Planning council members shall not be paid, but  
10 they may receive per diem and mileage expenses [~~paid by the~~  
11 ~~county~~] as provided in the Per Diem and Mileage Act."

12 Section 5. Section 24-1B-5 NMSA 1978 (being Laws 1991,  
13 Chapter 113, Section 5) is amended to read:

14 "24-1B-5. [COUNTY] MATERNAL AND CHILD HEALTH PLANS.--

15 A. The board or its designee with the advice of the  
16 planning council may prepare a [county] maternal and child  
17 health plan. The plan shall have the approval of the planning  
18 council and the board before it may be submitted by the board  
19 to the department for approval.

20 B. Two or more boards may agree among themselves to  
21 establish a [~~multicounty~~] maternal and child health plan.

22 C. Each [county] maternal and child health plan  
23 shall include:

24 (1) a [county] needs assessment that  
25 identifies and quantifies:

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1 (a) those populations that are unable to  
2 obtain adequate maternal and child health services;

3 (b) the major factors that affect  
4 accessibility to local maternal and child health services;

5 (c) the gaps in locally available  
6 maternal and child health services; and

7 (d) the extent to which county and  
8 tribal residents use maternal and child health services  
9 available in other counties;

10 (2) [~~a county~~] an inventory that identifies  
11 existing public and private providers, services and maternal  
12 and child health plans, medicaid and other governmental, tribal  
13 and charitable resources, program duplications and the county's  
14 current monetary contributions to maternal and child health  
15 programs; [~~and~~]

16 (3) recommendations on how to improve and fund  
17 maternal and child health [~~in the county~~] based upon the  
18 [~~county's~~] needs assessment and inventory of existing services  
19 and resources; [~~in its~~]

20 (4) recommendations [~~the county shall include~~  
21 ~~proposals~~] to eliminate duplications of services, improve  
22 access and initiate new services as needed; [~~The county shall~~  
23 ~~also include~~] and

24 (5) conclusions about the need to rely on  
25 services available in other counties and on the level of

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1 charitable, federal, state, ~~[and]~~ county or tribal funding and  
2 in-kind contributions that are required to implement ~~[its]~~ the  
3 maternal and child health plan fully.

4 D. The recommendations contained in the ~~[county]~~  
5 maternal and child health plan may be based on the development  
6 of comprehensive maternal and child health services.  
7 Development of the maternal and child health plan may include a  
8 consideration of:

- 9 (1) teen pregnancy;
- 10 (2) family planning;
- 11 (3) prenatal care;
- 12 (4) financing of perinatal care for persons  
13 not eligible for medicaid;
- 14 (5) proposals to expand provider capacity;
- 15 (6) outreach, information, referral, risk  
16 assessment and case management for both pregnant women and  
17 their children;
- 18 (7) perinatal health education projects;
- 19 (8) home visiting and social support groups;
- 20 (9) projects that reduce poor pregnancy and  
21 child outcomes;
- 22 (10) projects that enhance utilization of  
23 well-child care;
- 24 (11) projects that remove transportation  
25 barriers from perinatal services; and

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1 (12) projects that coordinate local community  
2 services, including those services provided by the county's  
3 state public health office.

4 E. The ~~[county]~~ maternal and child health plan  
5 shall be updated at the request of the board or the department  
6 if the plan as implemented is not achieving the stated goals or  
7 if the needs of the local population have changed."

8 Section 6. Section 24-1B-6 NMSA 1978 (being Laws 1991,  
9 Chapter 113, Section 6) is amended to read:

10 "24-1B-6. ~~[COUNTY]~~ MATERNAL AND CHILD HEALTH FUNDS.--

11 A. The department shall contract for maternal and  
12 child health services ~~[in a county]~~ to implement ~~[the county's]~~  
13 a maternal and child health plan after the plan has been  
14 approved by the department.

15 B. As a condition of the department contracting for  
16 ~~[county]~~ maternal and child health services ~~[in a county]~~,  
17 after an opportunity for county or tribal input, ~~[the]~~ a county  
18 or tribe may be ~~[required]~~ asked to contribute to the  
19 implementation of ~~[its department]~~ an approved ~~[county]~~  
20 maternal and child health plan based on the relative wealth of  
21 the county or tribe as measured by the population ~~[of the~~  
22 ~~county]~~, the per capita income ~~[of the county]~~, the gross  
23 receipts tax base and the average property value ~~[in the~~  
24 ~~county]~~.

25 C. The department shall contract for maternal and

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1 child health services to implement a [county's] maternal and  
2 child health plan based upon:

3 (1) the amount of funds appropriated for the  
4 purpose of carrying out the provisions of the [County] Maternal  
5 and Child Health Plan Act;

6 (2) the [county's] need for services as  
7 measured by:

8 (a) maternal and child health  
9 indicators;

10 (b) the teen pregnancy rate; and

11 (c) maternal and child health provider  
12 availability and shortages; and

13 (3) the [county's] demonstration that the  
14 services in [~~its county~~] the maternal and child health plan fit  
15 into the comprehensive outline of community-based maternal and  
16 child health services described in Subsection D of Section [5  
17 ~~of the County Maternal and Child Health Plan Act~~] 24-1B-5 NMSA  
18 1978.

19 D. Nothing in [~~this~~] the Maternal and Child Health  
20 Plan Act shall prohibit the department from contracting for  
21 those categories of maternal and child health services that it  
22 contracted for prior to the effective date of the [County]  
23 Maternal and Child Health Care Act or that it deems essential  
24 for public health."

25 Section 7. Section 24-1B-7 NMSA 1978 (being Laws 1991,

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1 Chapter 113, Section 7) is amended to read:

2 "24-1B-7. DEPARTMENT--POWERS AND DUTIES.--

3 A. The department shall review, evaluate and  
4 approve or reject [~~county~~] a maternal and child health [~~plans~~]  
5 plan and it may require that a county update its [~~county~~]  
6 maternal and child health plan.

7 B. The department is authorized to contract for  
8 maternal and child health services to implement [~~county~~]  
9 maternal and child health plans, subject to the availability of  
10 appropriations for that purpose.

11 C. The department shall monitor and evaluate the  
12 contracts funded by the department and assess whether maternal  
13 and child health conditions are improving.

14 D. The department shall provide technical  
15 assistance and training to assist [~~each county~~] as needed in  
16 developing [~~its~~] maternal and child health [~~plan~~] plans.

17 E. The department may gather information necessary  
18 to evaluate the effectiveness of services it contracts for  
19 through the provisions of the [~~County~~] Maternal and Child  
20 Health Plan Act.

21 F. The department shall adopt all rules [~~and~~  
22 ~~regulations~~] necessary to carry out the purposes of the  
23 [~~County~~] Maternal and Child Health Plan Act, including:

24 (1) the procedures and format for applying for  
25 department approval of a [~~county~~] maternal and child health

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1 plan;

2 (2) the format for [~~county~~] maternal and child  
3 health plans;

4 (3) the criteria to review, evaluate and  
5 approve or reject [~~county~~] maternal and child health plans;

6 (4) the procedures and format for requesting  
7 that the department procure services under a department-  
8 approved [~~county~~] maternal and child health plan;

9 (5) the formula used to determine a [~~county's~~]  
10 required contribution to implement [~~its~~] maternal and child  
11 health [~~plan~~] plans;

12 (6) a procedure that determines [~~a county's~~]  
13 the need for maternal and child health services;

14 (7) the procedure to determine the  
15 distribution of state funds appropriated to implement [~~county~~]  
16 maternal and child health plans;

17 (8) the procedures for gathering and reporting  
18 programmatic and financial information necessary to evaluate  
19 the effectiveness of maternal and child health services [~~that~~]  
20 for which the department contracts [~~for through~~] pursuant to  
21 the provisions of the [~~County~~] Maternal and Child Health Plan  
22 Act; and

23 (9) definitions that set an acceptable minimum  
24 standard for the services provided."