

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.--Chapter 24, Article 1B NMSA 1978 may be cited as the "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 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 and their families."

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

"24-1B-3. DEFINITIONS.--As used in the Maternal and Child Health Plan Act:

A. "board" means the board of county commissioners of a county or leadership of a tribe;

B. "department" means the department of health;

C. "planning council" means the maternal and child health planning council; and

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

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

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

A. The board may create a maternal and child health planning council, and it may appoint members for terms designated by the board. The members of the planning council shall be selected to represent a broad spectrum of interests that may include elected officials, tribal officials, community-based program providers, childbearing and parenting families, residents, local school administrators, local political leaders, employees of the income support office, employees of the county field health office, maternal and child health care providers, obstetricians, family physicians, nurses, mid-level providers and hospital administrators.

B. Members of the planning council shall elect from among themselves a chair for a term designated by the board. The planning council shall meet at the call of the chair.

C. Planning council members shall not be paid, but they may receive per diem and mileage expenses as provided in the Per Diem and Mileage Act."

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

"24-1B-5. MATERNAL AND CHILD HEALTH PLANS.--

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

B. Two or more boards may agree among themselves to establish a maternal and child health plan.

C. Each maternal and child health plan shall include:

(1) a needs assessment that identifies and quantifies:

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

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

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

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

(2) an inventory that identifies existing public and private providers, services and maternal and child

health plans, medicaid and other governmental, tribal and charitable resources, program duplications and the county's current monetary contributions to maternal and child health programs;

(3) recommendations on how to improve and fund maternal and child health based upon the needs assessment and inventory of existing services and resources;

(4) recommendations to eliminate duplications of services, improve access and initiate new services as needed; and

(5) conclusions about the need to rely on services available in other counties and on the level of charitable, federal, state, county or tribal funding and in-kind contributions that are required to implement the maternal and child health plan fully.

D. The recommendations contained in the maternal and child health plan may be based on the development of comprehensive maternal and child health services. Development of the maternal and child health plan may include a consideration of:

(1) teen pregnancy;

(2) family planning;

(3) prenatal care;

(4) financing of perinatal care for persons

not eligible for medicaid;

- (5) proposals to expand provider capacity;
- (6) outreach, information, referral, risk assessment and case management for both pregnant women and their children;
- (7) perinatal health education projects;
- (8) home visiting and social support groups;
- (9) projects that reduce poor pregnancy and child outcomes;
- (10) projects that enhance utilization of well-child care;
- (11) projects that remove transportation barriers from perinatal services; and
- (12) projects that coordinate local community services, including those services provided by the county's state public health office.

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

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

"24-1B-6. MATERNAL AND CHILD HEALTH FUNDS.--

A. The department shall contract for maternal and child health services to implement a maternal and child health plan after the plan has been approved by the department.

B. As a condition of the department contracting for maternal and child health services, after an opportunity for county or tribal input, a county or tribe may be asked to contribute to the implementation of an approved maternal and child health plan based on the relative wealth of the county or tribe as measured by the population, the per capita income, the gross receipts tax base and the average property value.

C. The department shall contract for maternal and child health services to implement a maternal and child health plan based upon:

(1) the amount of funds appropriated for the purpose of carrying out the provisions of the Maternal and Child Health Plan Act;

(2) the need for services as measured by:

(a) maternal and child health indicators;

(b) the teen pregnancy rate; and

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

(3) the demonstration that the services in the maternal and child health plan fit into the comprehensive outline of community-based maternal and child health services described in Subsection D of Section 24-1B-5 NMSA 1978.

D. Nothing in the Maternal and Child Health Plan Act shall prohibit the department from contracting for those

categories of maternal and child health services that it contracted for prior to the effective date of the Maternal and Child Health Care Act or that it deems essential for public health."

Section 7. Section 24-1B-7 NMSA 1978 (being Laws 1991, Chapter 113, Section 7) is amended to read:

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

A. The department shall review, evaluate and approve or reject a maternal and child health plan and it may require that a county update its maternal and child health plan.

B. The department is authorized to contract for maternal and child health services to implement maternal and child health plans, subject to the availability of appropriations for that purpose.

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

D. The department shall provide technical assistance and training to assist as needed in developing maternal and child health plans.

E. The department may gather information necessary to evaluate the effectiveness of services it contracts for through the provisions of the Maternal and Child Health Plan Act.

F. The department shall adopt all rules necessary to carry out the purposes of the Maternal and Child Health Plan Act, including:

(1) the procedures and format for applying for department approval of a maternal and child health plan;

(2) the format for maternal and child health plans;

(3) the criteria to review, evaluate and approve or reject maternal and child health plans;

(4) the procedures and format for requesting that the department procure services under a department-approved maternal and child health plan;

(5) the formula used to determine a required contribution to implement maternal and child health plans;

(6) a procedure that determines the need for maternal and child health services;

(7) the procedure to determine the distribution of state funds appropriated to implement maternal and child health plans;

(8) the procedures for gathering and reporting programmatic and financial information necessary to evaluate the effectiveness of maternal and child health services for which the department contracts pursuant to the provisions of the Maternal and Child Health Plan Act; and

(9) definitions that set an acceptable

minimum standard for the services provided."

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