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HOUSE BILL 48

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO HEALTH CARE; AMENDING THE INDIGENT HOSPITAL AND COUNTY HEALTH CARE ACT; REQUIRING COUNTIES TO REIMBURSE THE UNIVERSITY OF NEW MEXICO HOSPITALS FOR UNCOMPENSATED INDIGENT CARE PROVIDED TO RESIDENTS OF THOSE COUNTIES; AUTHORIZING A REDUCTION IN A MILL LEVY FOR HOSPITAL FUNDING IN CERTAIN COUNTIES.

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

Section 1. Section 4-48B-15 NMSA 1978 (being Laws 1953, Chapter 174, Section 2, as amended) is amended to read:

"4-48B-15. ELECTION ON SPECIAL LEVY.--

A. In the event the county commissioners of a county, other than a class A county, desire to provide the mill levy authorized in Paragraph (2) of Subsection A of Section 4-48B-12 NMSA 1978, the county commissioners shall submit to .174633.2

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1 the qualified electors of the county the question of levying
2 those taxes not to exceed four dollars twenty-five cents
3 (\$4.25) on each one thousand dollars (\$1,000) of net taxable
4 value of property allocated to the county for a period of time
5 not less than four years nor more than eight years.

6 B. In the event the county commissioners of a class
7 A county desire to provide the mill levy authorized in
8 Paragraph (1) of Subsection A of Section 4-48B-12 NMSA 1978,
9 the county commissioners shall submit to the qualified electors
10 of the county the question of levying those taxes not to exceed
11 six dollars fifty cents (\$6.50) on each one thousand dollars
12 (\$1,000) of net taxable value of property allocated to the
13 county for a period of time of not less than four years nor
14 more than eight years.

15 C. The question may be submitted to the electors
16 and voted upon as a separate question at any general election
17 or at any special election called for that purpose by the
18 county commissioners. The election upon the question of a mill
19 levy shall be called, held, conducted and canvassed in
20 substantially the same manner as now or hereafter may be
21 provided by law for general elections.

22 D. In the event the mill levy submitted under
23 Subsection A or B of this section is voted upon favorably by
24 the electors of the county, the mill levy shall become
25 effective and be made for the ensuing fiscal year and those

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1 future years, not less than three nor more than seven, as
2 stated in the question voted upon; provided that the question
3 of continuing the mill levy shall thereafter be submitted to
4 the electors at the general election immediately prior to the
5 expiration of the period of assessment previously approved.
6 The county commissioners shall decrease the rate of any mill
7 levy imposed under the Hospital Funding Act if required by
8 operation of the rate limitation provisions of Section 7-37-7.1
9 NMSA 1978. Subject to the provisions of Subsection D of
10 Section 4-48B-12 NMSA 1978, the county commissioners:

11 (1) may direct that the mill levy be decreased
12 or not be made for any year if, in their judgment, sufficient
13 funds for operation and maintenance of the hospital and
14 transfer to the county-supported medicaid fund, if applicable,
15 are available or will be obtained from other sources [~~and if,~~
16 ~~relative to a county hospital operated by a state educational~~
17 ~~institution named in Article 12, Section 11 of the constitution~~
18 ~~of New Mexico, a decision to decrease the mill levy is agreed~~
19 ~~to by the state educational institution]; or~~

20 (2) in a class A county with a population
21 greater than five hundred thousand, shall direct that the mill
22 levy be decreased by at least twenty percent upon certification
23 by a county hospital operated by a state educational
24 institution named in Article 12, Section 11 of the constitution
25 of New Mexico that the hospital has received full reimbursement

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1 pursuant to Section 2 of this 2009 act.

2 E. In the event that the mill levy approved by the
3 electors is less than the maximum mill levy authorized for the
4 county by Subsection A of Section 4-48B-12 NMSA 1978 and the
5 county commissioners desire to increase the amount of the
6 approved mill levy, the county commissioners shall submit, in
7 accordance with Subsection C of this section, to the qualified
8 electors of the county the questions of levying those
9 additional taxes for a period of time consistent with the
10 expiration of the mill levy previously approved; provided that
11 the additional taxes, when added to the mill levy previously
12 approved, may not exceed the mill levy maximum for the county
13 provided in Subsection A of Section 4-48B-12 NMSA 1978. In the
14 event that the mill levy increase is voted upon favorably by
15 the electors of the county, the increase shall become effective
16 for the years stated in the question voted upon. Nothing in
17 this subsection shall be construed as requiring an election to
18 restore the mill levy to an amount no higher than the mill levy
19 approved by the electors after a reduction in the mill levy
20 made pursuant to Subsection D of this section."

21 Section 2. A new section of the Indigent Hospital and
22 County Health Care Act is enacted to read:

23 "[NEW MATERIAL] COUNTY REIMBURSEMENT REQUIREMENTS.--Each
24 county shall reimburse the university of New Mexico hospitals
25 for costs not otherwise compensated that are incurred by the

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1 university of New Mexico hospitals for ambulance service,
2 hospital care or health care provided by the university of New
3 Mexico hospitals to indigent patients domiciled in that county
4 for at least three months."

5 Section 3. Section 27-5-7.1 NMSA 1978 (being Laws 1993,
6 Chapter 321, Section 16, as amended) is amended to read:

7 "27-5-7.1. COUNTY INDIGENT HOSPITAL CLAIMS FUND--
8 AUTHORIZED USES OF THE FUND.--

9 A. The fund shall be used to reimburse the
10 university of New Mexico hospitals for costs not otherwise
11 compensated that are incurred by the university of New Mexico
12 hospitals for ambulance service, hospital care or health care
13 provided by the university of New Mexico hospitals to indigent
14 patients domiciled in that county for at least three months.

15 [~~A.~~] B. The balance of the fund remaining after all
16 payments are made pursuant to Subsection A of this section
17 shall be used:

18 (1) to meet [~~the~~] a county's contribution for
19 support of sole community provider payments as calculated by
20 the department for that county;

21 (2) to pay for expenses of burial or cremation
22 of an indigent person; and

23 (3) to pay all claims that have been approved
24 by the board that are not matched with federal funds under the
25 state medicaid program.

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1 ~~[B-]~~ C. The balance of the fund remaining after all
2 payments are made pursuant to Subsection A of this section may
3 be used to meet ~~[the]~~ a county's obligation under Section
4 27-10-4 NMSA 1978."

5 Section 4. Section 27-5-13 NMSA 1978 (being Laws 1965,
6 Chapter 234, Section 14, as amended) is amended to read:

7 "27-5-13. CLAIM SHALL NOT EXPIRE BECAUSE OF LACK OF
8 FUNDS--PRIORITY OF CLAIMS.--A claim made to the board for
9 payment for the care of an indigent patient shall not expire or
10 become invalid because of the lack of money in the fund during
11 any fiscal year but shall be carried over into the ensuing
12 fiscal year and, notwithstanding the provisions of any other
13 law, shall be paid in the ensuing year. Whenever the balance
14 of the fund is inadequate to pay all qualified claims as they
15 become due, the claims of university of New Mexico hospitals
16 shall have first priority of payment, and in-state hospitals
17 providing acute medical care shall have second priority for
18 payment over all other claims regardless of the dates the other
19 claims were submitted. The board shall, however, on a regular
20 basis, estimate future demands upon the fund, based on past
21 experience, and set aside sufficient funds to ~~[assure]~~ ensure
22 payment for in-state hospitals providing acute medical care and
23 shall then address, on a regular basis, the claims from other
24 hospitals or ambulance services."

25 Section 5. EFFECTIVE DATE.--The effective date of the
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provisions of this act is January 1, 2010.

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