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HOUSE BILL 41

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO LONG-TERM SERVICES; AMENDING THE LONG-TERM CARE SERVICES ACT TO REQUIRE THAT COORDINATED LONG-TERM SERVICES PURSUANT TO A MEDICAID HOME- AND COMMUNITY-BASED WAIVER INCLUDE NIGHT-CARE SERVICES FOR INDIVIDUALS DIAGNOSED WITH DEMENTIA; MAKING AN APPROPRIATION.

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

Section 1. Section 24-17A-1 NMSA 1978 (being Laws 1998, Chapter 82, Section 1) is amended to read:

"24-17A-1. SHORT TITLE.--~~[This act]~~ Chapter 24, Article 17A NMSA 1978 may be cited as the "Long-term Care Services Act"."

Section 2. A new section of the Long-term Care Services Act is enacted to read:

"[NEW MATERIAL] REQUIRED NIGHT-CARE SERVICES COVERAGE.--

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1 A. Coordinated long-term services provided pursuant
2 to a medicaid home- and community-based waiver to recipients
3 diagnosed with dementia shall include night-care services in
4 those counties wherein those services are available.

5 B. As used in this section:

6 (1) "medicaid home- and community-based
7 waiver" means a program that provides medicaid services to
8 individuals requiring a nursing-home level of care in the
9 recipient's home or community setting instead of in an
10 institution;

11 (2) "medicaid" means the joint federal-state
12 health coverage program pursuant to Title 19 or Title 21 of the
13 federal Social Security Act;

14 (3) "night-care services" means services that
15 provide, at a minimum, care management and supervision for a
16 recipient at a location in or outside of the recipient's home
17 between the hours of 7:00 p.m. and 7:00 a.m; and

18 (4) "recipient" means an individual who is
19 enrolled in medicaid."

20 Section 3. APPROPRIATION.--One hundred thousand dollars
21 (\$100,000) is appropriated from the general fund to the human
22 services department for expenditure in fiscal year 2011 to fund
23 the provision of night-care services in the coordinated long-
24 term services program. Any unexpended or unencumbered balance
25 remaining at the end of fiscal year 2011 shall revert to the

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1 general fund.

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