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HOUSE BILL 48

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

INTRODUCED BY

Ray Begaye

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES; PROVIDING EMERGENCY
MEDICAL SERVICES FUND ELIGIBILITY FOR INDIAN NATIONS, TRIBES
AND PUEBLOS; MAKING AN APPROPRIATION.

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

Section 1. Section 24-10A-2 NMSA 1978 (being Laws 1978,
Chapter 178, Section 2, as amended by Laws 2001, Chapter 258,
Section 1 and by Laws 2001, Chapter 273, Section 1) is amended
to read:

"24-10A-2. PURPOSE OF ACT.--The purpose of the Emergency
Medical Services Fund Act is to make money available to
municipalities [~~and~~], counties and tribes for use in the
establishment and enhancement of local emergency medical
services, statewide emergency medical services and trauma
services in order to reduce injury and loss of life."

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1 Section 2. Section 24-10A-2.1 NMSA 1978 (being Laws 1994,
2 Chapter 61, Section 2, as amended by Laws 2001, Chapter 258,
3 Section 2 and by Laws 2001, Chapter 273, Section 2) is amended
4 to read:

5 "24-10A-2.1. DEFINITIONS.--As used in the Emergency
6 Medical Services Fund Act:

7 A. "bureau" means the [~~injury prevention and~~
8 emergency medical services bureau of the [~~public health~~
9 epidemiology and response division of the department;

10 B. "committee" means the statewide emergency
11 medical services advisory committee appointed pursuant to the
12 provisions of Section 24-10B-7 NMSA 1978;

13 C. "department" means the department of health;

14 D. "fund" means the emergency medical services
15 fund;

16 E. "local recipient" means an ambulance service,
17 medical rescue service, fire department rescue service, air
18 ambulance service or other prehospital care provider:

19 (1) that routinely responds to an individual's
20 need for immediate medical care in order to prevent loss of
21 life or aggravation of physical or psychological illness or
22 injury;

23 (2) whose application for funding through the
24 Emergency Medical Services Fund Act is sponsored by a
25 municipality or county; and

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1 (3) that meets department guidelines
2 concerning personnel training, use of bureau-approved run
3 forms, participation in mutual aid agreements and medical
4 control;

5 F. "municipality" means an incorporated city, town
6 or village; [~~and~~]

7 G. "secretary" means the secretary of health; and

8 H. "tribe" means a federally recognized Indian
9 nation, tribe or pueblo located wholly or partly in New
10 Mexico."

11 Section 3. Section 24-10A-3 NMSA 1978 (being Laws 1978,
12 Chapter 178, Section 3, as amended by Laws 2001, Chapter 258,
13 Section 3 and by Laws 2001, Chapter 273, Section 3) is amended
14 to read:

15 "24-10A-3. EMERGENCY MEDICAL SERVICES FUND CREATED--
16 FUNDING.--

17 A. The "emergency medical services fund" is created
18 in the state treasury. Money in the fund shall not revert at
19 the end of any fiscal year. Money appropriated to the fund or
20 accruing to it through gifts, grants, fees or bequests shall be
21 deposited in the fund. Interest earned on investment of the
22 fund shall be credited to the general fund. Disbursements from
23 the fund shall be made upon warrants drawn by the secretary of
24 finance and administration pursuant to vouchers signed by the
25 secretary or [~~his~~] the secretary's authorized representative.

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1 B. The bureau shall administer the fund and provide
2 for the distribution of the fund pursuant to the Emergency
3 Medical Services Fund Act and rules adopted pursuant to the
4 provisions of that act.

5 C. In any fiscal year, no less than seventy-five
6 percent of the money in the fund shall be used for the local
7 emergency medical services funding program to support the cost
8 of supplies and equipment and operational costs other than
9 salaries and benefits for emergency medical services personnel.
10 This money shall be distributed to municipalities [~~and~~],
11 counties and tribes on behalf of eligible local recipients,
12 using a formula established pursuant to rules adopted by the
13 department. The formula shall determine each municipality's
14 [~~and~~], county's and tribe's share of the fund based on the
15 relative geographic size and population of each county. The
16 formula shall also base the distribution of money for each
17 municipality [~~and~~], county and tribe on the relative number of
18 runs of each local recipient eligible to participate in the
19 distribution.

20 D. In any fiscal year, no more than:

21 (1) twenty-two percent of the fund may be used
22 for emergency medical services system improvement projects,
23 including the purchase of emergency medical services vehicles,
24 local and statewide emergency medical services system support
25 projects, the statewide trauma care system program and the

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1 emergency medical dispatch agency support program; and

2 (2) three percent of the fund may be used by
3 the bureau and emergency medical services regional offices for
4 administrative costs, including monitoring and providing
5 technical assistance.

6 E. In any fiscal year, money in the fund that is
7 not distributed pursuant to the provisions of Subsection D of
8 this section may be distributed pursuant to the provisions of
9 Subsection C of this section."

10 Section 4. Section 24-10A-3.1 NMSA 1978 (being Laws 1994,
11 Chapter 61, Section 13) is amended to read:

12 "24-10A-3.1. [~~REGULATIONS~~] RULES.--The department shall
13 adopt [~~regulations~~] rules pursuant to Subsection E of Section
14 9-7-6 NMSA 1978 to carry out the provisions of the Emergency
15 Medical Services Fund Act."

16 Section 5. Section 24-10A-4 NMSA 1978 (being Laws 1978,
17 Chapter 178, Section 4, as amended by Laws 2001, Chapter 258,
18 Section 4 and by Laws 2001, Chapter 273, Section 4) is amended
19 to read:

20 "24-10A-4. FUNDING PROGRAM--PURPOSE--DETERMINATION OF
21 NEEDS.--

22 A. The "local emergency medical services funding
23 program" is created. The program shall provide for the:

24 (1) establishment or enhancement of local
25 emergency medical services, including the use of advanced

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1 technology equipment;

2 (2) operational costs other than salaries and
3 benefits of local emergency medical services personnel;

4 (3) purchase, repair and maintenance of
5 emergency medical services vehicles, equipment and supplies,
6 including the use of advanced technology equipment; and

7 (4) training and licensing of local emergency
8 medical services personnel.

9 B. Annually on or before June 1, the bureau shall
10 consider and determine, in accordance with the formula adopted
11 by rule of the department, the amount of distribution to
12 municipalities [~~and~~], counties and tribes that have applied for
13 money from the fund. In making its determination, the bureau
14 shall ensure that no municipality [~~or~~], county or tribe
15 receives money from the fund for the purpose of accumulation as
16 defined by rule of the department, except as waived by the
17 bureau in writing for good cause shown. The bureau shall also
18 ensure that each local recipient is in compliance with the
19 rules of the department."

20 Section 6. Section 24-10A-4.1 NMSA 1978 (being Laws 1994,
21 Chapter 61, Section 10, as amended by Laws 2001, Chapter 258,
22 Section 5 and by Laws 2001, Chapter 273, Section 5) is amended
23 to read:

24 "24-10A-4.1. EMERGENCY MEDICAL SERVICES SYSTEM
25 IMPROVEMENT PROJECTS.--

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1 A. Applications for emergency medical services
2 system improvement projects shall be submitted separately from
3 applications for the local emergency medical services funding
4 program. The bureau shall award emergency medical services
5 system improvement projects after a review of the applications.
6 The awards shall be made based on a priority ranking,
7 demonstrated need for funding and recommendations from the
8 committee. Money awarded shall be used in compliance with
9 applicable rules.

10 B. Applications for funding to purchase emergency
11 medical services vehicles shall be submitted by municipalities
12 [~~or~~], counties or tribes on behalf of local recipients. The
13 municipality [~~or~~], county or tribe shall commit to providing
14 matching funds of at least twenty-five percent of the cost of
15 purchasing the vehicle.

16 C. Applications for funding of local and statewide
17 projects shall demonstrate the need for funding and a plan to
18 use the funding to enhance or better integrate local emergency
19 medical services systems or to improve the health, safety and
20 training of emergency medical services technicians statewide.

21 D. A statewide trauma care system program shall be
22 developed and determined by the bureau in consultation with the
23 committee. The statewide trauma care system program shall
24 provide for the support, development and expansion of the
25 statewide trauma care system in accordance with rules adopted

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1 by the department.

2 E. The emergency medical dispatch agency support
3 program shall fund allowable costs of dispatch agencies that
4 meet criteria established pursuant to rules by the department."

5 Section 7. Section 24-10A-4.2 NMSA 1978 (being Laws 1994,
6 Chapter 61, Section 11) is amended to read:

7 "24-10A-4.2. MUTUAL AID AGREEMENTS.--Incorporated
8 municipalities, counties, tribes and local recipients are
9 encouraged to develop mutual aid agreements with other
10 municipalities, counties, tribes and local recipients for the
11 purpose of ensuring that adequate emergency medical services
12 coverage exists throughout the state. For the benefit of the
13 public, equipment and other emergency medical services
14 resources obtained through money from the fund shall be shared
15 among the parties to a mutual aid agreement."

16 Section 8. Section 24-10A-5 NMSA 1978 (being Laws 1978,
17 Chapter 178, Section 5, as amended) is amended to read:

18 "24-10A-5. FUNDING PROGRAM--AWARDS--APPEALS.--The bureau
19 shall promptly notify each municipality [~~and~~], county and tribe
20 that has applied for money and the local recipient of the
21 bureau's determination to grant or deny an application for
22 funding through the local emergency medical services funding
23 program. A municipality [~~or~~], county or tribe may appeal a
24 determination of the bureau within ten working days after
25 notification of the determination. The bureau shall refer the

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1 appeal to the committee for its review and recommendation. The
2 committee shall make its recommendation to the secretary, who
3 shall make a final determination about whether to grant or deny
4 an application for funding. The secretary shall notify the
5 appellant of ~~[his]~~ the secretary's decision on or before June
6 30."

7 Section 9. Section 24-10A-6 NMSA 1978 (being Laws 1978,
8 Chapter 178, Section 6, as amended by Laws 2001, Chapter 258,
9 Section 6 and by Laws 2001, Chapter 273, Section 6) is amended
10 to read:

11 "24-10A-6. DISTRIBUTION OF FUND.--On or before August 31,
12 the local emergency medical services funding program
13 distribution shall be made to each municipality ~~[and]~~, county
14 and tribe as determined by the department. No more than one
15 percent of the amount appropriated to the local emergency
16 medical services funding program shall be distributed from the
17 fund to the benefit of a single local recipient in any fiscal
18 year pursuant to the local emergency medical services funding
19 program to ensure that appropriate emergency medical service is
20 available statewide."

21 Section 10. Section 24-10A-8 NMSA 1978 (being Laws 1978,
22 Chapter 178, Section 8, as amended) is amended to read:

23 "24-10A-8. FUNDING PROGRAM--CONTROL OF EXPENDITURES.--
24 Money distributed from the fund shall be expended only for the
25 purposes stated in the application to the bureau ~~[and]~~. A

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1 municipality or county shall ~~[be expended]~~ expend money
2 distributed from the fund on the authorization of the chief
3 executive of the ~~[incorporated]~~ municipality or county upon
4 vouchers issued by its treasurer. A tribe shall expend money
5 distributed from the fund on the authorization of the chief
6 executive of the tribe or the chief executive's designee upon a
7 voucher issued by the person responsible for the administration
8 of the financial assets and liabilities of the tribe."

9 Section 11. Section 24-10A-10 NMSA 1978 (being Laws 1994,
10 Chapter 61, Section 12) is amended to read:

11 "24-10A-10. LOSS OF FUNDING ELIGIBILITY.--A municipality,
12 county, tribe or local recipient that the bureau finds has
13 expended money in violation of the Emergency Medical Services
14 Fund Act may be ineligible to receive funding from the bureau
15 for a period of not less than one year or more than three
16 years, as determined by the bureau in accordance with rules
17 ~~[and regulations]~~ adopted by the department."

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