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HOUSE JOINT MEMORIAL 50

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Mimi Stewart

A JOINT MEMORIAL

REQUESTING THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE TO REVIEW CURRENT PRACTICES OF THE MEDICAID SCHOOL-BASED SERVICES PROGRAM, COMPARING SUCH PRACTICES WITH THOSE CURRENTLY IMPLEMENTED IN OTHER STATES, AND TO MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE REGARDING EFFICIENT PROGRAMMATIC EXPANSION MAXIMIZING FEDERAL REIMBURSEMENTS.

WHEREAS, medicaid is operated as a joint federal-state funded health program administered by the human services department; and

WHEREAS, 1988 changes in federal law allowed schools to seek partial reimbursement for individualized education program-covered services under the federal Medicare Catastrophic Coverage Act of 1988; and

WHEREAS, the federal Individuals with Disabilities

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1 Education Act clarified that medicaid funds could be used to  
2 pay for health-related services provided under that act; and

3 WHEREAS, in 1996, New Mexico amended its medicaid state  
4 plan that authorized the creation of a special medicaid program  
5 to provide reimbursements for medically related services in a  
6 student's individualized education program; and

7 WHEREAS, New Mexico public schools, charter schools and  
8 regional education cooperatives have become eligible  
9 participants in seeking reimbursements for identified covered  
10 services; and

11 WHEREAS, maximization of school-based medicaid services  
12 within the current medicaid school-based services program has  
13 experienced process and procedure variation in state practices  
14 for billing medicaid for federal Individuals with Disabilities  
15 Education Act services or early periodic screening, diagnosis  
16 and treatment services; and

17 WHEREAS, the New Mexico medicaid school-based services  
18 program is not currently providing reimbursements for services  
19 in ways such as those in Louisiana schools, which bill medicaid  
20 for early periodic screening, diagnosis and treatment services  
21 and school-based health center services; or in Montana schools,  
22 which bill for individualized education program personal care  
23 and comprehensive school and community treatment; or procedural  
24 support allowing certification procedures for state match  
25 requirements for the fee-for-service program such as in Montana

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1 and North Carolina; and

2 WHEREAS, New Mexico should be poised to maximize any  
3 federal assistance in implementing and supplementing health  
4 care measures for its public school students; and

5 WHEREAS, New Mexico has reaped many benefits from federal  
6 assistance programs as the result of its proactive measures to  
7 seek such funding opportunities; and

8 WHEREAS, New Mexico would likely benefit greatly in  
9 implementing transformation efforts within the medicaid school-  
10 based services program by making use of the opportunities  
11 afforded through the federal medical assistance program;

12 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
13 STATE OF NEW MEXICO that the interim legislative health and  
14 human services committee be requested to study and compare  
15 current New Mexico medicaid school-based services program  
16 practices with those of other states and consider strategies  
17 that will maximize medicaid reimbursements and eliminate  
18 procedural barriers; and

19 BE IT FURTHER RESOLVED that the committee solicit  
20 assistance from the human services department, the public  
21 education department, the legislative finance committee, the  
22 legislative education study committee, the New Mexico coalition  
23 of school administrators and the medicaid school-based program  
24 advisory committee as well as from public schools and regional  
25 education cooperatives, licensed health care providers and

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1 other interested persons; and

2 BE IT FURTHER RESOLVED that the committee present its  
3 findings and recommendations to the legislature and the  
4 governor by November 1, 2011, including proposed action steps  
5 for administrative, legislative, regulatory, operational and  
6 financial initiatives necessary to implement efficient process  
7 and programmatic expansion maximizing federal reimbursements  
8 within the school-based medicaid services program; and

9 BE IT FURTHER RESOLVED that copies of this memorial be  
10 transmitted to the chair of the legislative health and human  
11 services committee and the secretaries of human services and  
12 public education.