

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING A SECTION OF THE PUBLIC ASSISTANCE ACT TO BAN MANDATORY ENROLLMENT OF NATIVE AMERICANS IN MEDICAID MANAGED CARE; REQUIRING TARGETED OUTREACH TO NATIVE AMERICANS.

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

SECTION 1. Section 27-2-12.6 NMSA 1978 (being Laws 1994, Chapter 62, Section 22) is amended to read:

"27-2-12.6. MEDICAID PAYMENTS--MANAGED CARE--NATIVE AMERICANS OPTIONAL ENROLLMENT--NOTICE REQUIREMENTS.--

A. The department shall provide for a statewide, managed care system to provide cost-efficient, preventive, primary and acute care for medicaid recipients by July 1, 1995.

B. The managed care system shall ensure:

(1) access to medically necessary services, particularly for medicaid recipients with chronic health problems;

(2) to the extent practicable, maintenance of the rural primary care delivery infrastructure;

(3) that the department's approach is consistent with national and state health care reform principles; and

(4) to the maximum extent possible, that

medicaid-eligible individuals are not identified as such except as necessary for billing purposes.

C. The department may exclude nursing homes, intermediate care facilities for the mentally retarded, medicaid in-home and community-based waiver services and residential and community-based mental health services for children with serious emotional disorders from the provisions of this section.

D. The department shall not require the enrollment in a managed care program of any recipient who self-identifies as a Native American.

E. The department shall afford any recipient who self-identifies as a Native American the option of enrolling in a medicaid managed care program or a medicaid fee-for-service program for medical or behavioral health services. Upon determination of medicaid eligibility, a Native American may choose to enroll in a medicaid managed care program or a medicaid fee-for-service program.

F. At the time of enrollment in medicaid, the department shall provide notice to Native American applicants and recipients that states clearly and prominently that Native American recipients are not required to enroll in a medicaid managed care program. In any communication requesting the selection of a medicaid managed care organization, the department shall provide applicants and recipients with the

opportunity to identify themselves as Native Americans and select the medicaid fee-for-service program.

G. The department shall enroll a Native American recipient into the medicaid fee-for-service program unless the recipient affirmatively chooses to enroll in a medicaid managed care organization.

H. The department shall provide Native American recipients the opportunity, on an individual basis, to enroll in or disenroll from a medicaid managed care program or a medicaid fee-for-service program every six months.

I. The department and each managed care entity with which the department contracts to provide medicaid coverage shall clearly and prominently state on each notice, letter, informational material or instructional or marketing material relating to managed care enrollment, distributed to or made publicly available to recipients and potential recipients of medicaid, that Native American recipients or potential recipients are not required to enroll in a medicaid managed care program. This statement shall be provided in a manner and form that may be easily understood by Native American recipients and potential recipients."

SECTION 2. A new section of the Public Assistance Act is enacted to read:

"TARGETED OUTREACH TO NATIVE AMERICANS.--

A. The department shall conduct targeted outreach

across the state, in consultation with tribes, nations and pueblos, tribal health providers and entities that serve off-reservation Native Americans, to enroll Native Americans into medicaid and inform them about their rights under Section 27-2-12.6 NMSA 1978.

B. As used in this section, "off-reservation Native American" means a member of a federally recognized tribe or an Alaskan Native or a person who is eligible for Indian health services who lives outside of a reservation and is a New Mexico resident."
