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SENATE BILL 190

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO PUBLIC ASSISTANCE; ENACTING A NEW SECTION OF THE
PUBLIC ASSISTANCE ACT TO REQUIRE THE SECRETARY OF HUMAN
SERVICES TO BAN SOLE-SOURCE CONTRACTING FOR DURABLE MEDICAL
EQUIPMENT.

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

SECTION 1. A new section of the Public Assistance Act is
enacted to read:

"[NEW MATERIAL] DURABLE MEDICAL EQUIPMENT--BAN ON SOLE-
SOURCE CONTRACTING.--

A. The secretary shall ensure that a medical
assistance plan that covers durable medical equipment:

- (1) contracts with any durable medical
equipment supplier that is willing to participate under the
same terms, conditions and reimbursement that the medical

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1 assistance plan offers to any other durable medical equipment
2 supplier in the state; and

3 (2) does not limit contracting to a single
4 durable medical equipment supplier statewide.

5 B. The secretary shall ensure that no medical
6 assistance plan:

7 (1) reimburses a durable medical equipment
8 supplier at a lower rate than any other durable medical
9 equipment supplier;

10 (2) prevents a durable medical equipment
11 supplier from providing durable medical equipment services
12 under the same terms and conditions as those offered to any
13 other durable medical equipment supplier; or

14 (3) permits or mandates a difference in
15 coverage or imposes any conditions or disincentives that would
16 likely cause a recipient to choose one durable medical
17 equipment supplier over another durable medical equipment
18 supplier."