

1 HOUSE BILL 257

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 Harry Garcia and Eliseo Lee Alcon and Joanne J. Ferrary
5 and Rodolpho "Rudy" S. Martinez and D. Wonda Johnson
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10 AN ACT

11 RELATING TO HEALTH; AMENDING SECTIONS OF THE INDIGENT HOSPITAL
12 AND COUNTY HEALTH CARE ACT TO ALLOW COUNTY HEALTH CARE
13 ASSISTANCE FUNDS TO BE USED FOR MEDICAL TRANSPORTATION.
14

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

16 SECTION 1. Section 27-5-4 NMSA 1978 (being Laws 1965,
17 Chapter 234, Section 4, as amended) is amended to read:

18 "27-5-4. DEFINITIONS.--As used in the Indigent Hospital
19 and County Health Care Act:

20 A. "ambulance provider" or "ambulance service"
21 means a specialized carrier based within the state authorized
22 under provisions and subject to limitations as provided in
23 individual carrier certificates issued by the public regulation
24 commission to transport persons alive, dead or dying en route
25 by means of ambulance service. The rates and charges

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1 established by public regulation commission tariff shall govern
2 as to allowable cost. Also included are air ambulance services
3 approved by the county. The air ambulance service charges
4 shall be filed and approved pursuant to Subsection D of Section
5 27-5-6 NMSA 1978 and Section 27-5-11 NMSA 1978;

6 B. "cost" means all allowable costs of providing
7 health care services, to the extent determined by resolution of
8 a county, for an indigent patient. Allowable costs shall be
9 based on medicaid fee-for-service reimbursement rates for
10 hospitals, licensed medical doctors and osteopathic physicians;

11 C. "county" means a county except a class A county
12 with a county hospital operated and maintained pursuant to a
13 lease or operating agreement with a state educational
14 institution named in Article 12, Section 11 of the constitution
15 of New Mexico;

16 D. "department" means the human services
17 department;

18 E. "fund" means a county health care assistance
19 fund;

20 F. "health care services" means treatment and
21 services designed to promote improved health in the county
22 indigent population, including primary care, prenatal care,
23 dental care, behavioral health care, alcohol or drug
24 detoxification and rehabilitation, hospital care, provision of
25 prescription drugs, preventive care or health outreach

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1 services, to the extent determined by resolution of the county;

2 G. "indigent patient" means a person to whom a
3 county, an ambulance service, a hospital or a health care
4 provider has provided medical care, ambulance transportation,
5 medical transportation or health care services and who can
6 normally support the person's self and the person's dependents
7 on present income and liquid assets available to the person
8 but, taking into consideration the person's income, assets and
9 requirements for other necessities of life for the person and
10 the person's dependents, is unable to pay the cost of the
11 ambulance transportation, medical transportation or medical
12 care administered [~~or both~~]; provided that if a definition of
13 "indigent patient" is adopted by a county in a resolution, the
14 definition shall not include any person whose annual income
15 together with that person's spouse's annual income totals an
16 amount that is fifty percent greater than the per capita
17 personal income for New Mexico as shown for the most recent
18 year available in the survey of current business published by
19 the United States department of commerce. "Indigent patient"
20 includes a minor who has received ambulance transportation,
21 medical transportation or medical care [~~or both~~] and whose
22 parent or the person having custody of that minor would qualify
23 as an indigent patient if transported by ambulance, received
24 medical transportation, admitted to a hospital for care or
25 treated by a health care provider;

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1 H. "medicaid eligible" means a person who is
2 eligible for medical assistance from the department;

3 I. "medical transportation" means the transport of
4 a person for the purposes of obtaining health care services
5 under circumstances when ambulance transportation is not
6 indicated; provided that "medical transportation" includes
7 transportation by a peace officer or another person whom a
8 county employs or with whom a county contracts to provide
9 medical transportation;

10 ~~[I.]~~ J. "planning" means the development of a
11 countywide or multicounty health plan to improve and fund
12 health services in the county based on the county's needs
13 assessment and inventory of existing services and resources and
14 that demonstrates coordination between the county and state and
15 local health planning efforts;

16 ~~[J.]~~ K. "public entity" means a state, local or
17 tribal government or other political subdivision or agency of
18 that government; and

19 ~~[K.]~~ L. "qualifying hospital" means an acute care
20 general hospital licensed by the department of health that is
21 qualified to receive payments from the safety net care pool
22 pursuant to an agreement with the federal centers for medicare
23 and medicaid services."

24 SECTION 2. Section 27-5-6 NMSA 1978 (being Laws 1965,
25 Chapter 234, Section 6, as amended) is amended to read:

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1 "27-5-6. POWERS AND DUTIES OF COUNTIES RELATING TO
2 INDIGENT CARE.--A county:

3 A. may budget for expenditure on ambulance
4 services, medical transportation, burial expenses, hospital or
5 medical expenses for indigent residents of that county and for
6 costs of development of a countywide or multicounty health
7 plan. The combined costs of administration and planning shall
8 not exceed the following percentages of revenues based on the
9 previous fiscal year revenues for a fund that has existed for
10 at least one fiscal year or based on projected revenues for the
11 year being budgeted for a fund that has existed for less than
12 one fiscal year. The percentage of the revenues in the fund
13 that may be used for such combined administrative and planning
14 costs is equal to the sum of the following:

15 (1) ten percent of the amount of the revenues
16 in the fund not over five hundred thousand dollars (\$500,000);

17 (2) eight percent of the amount of the
18 revenues in the fund over five hundred thousand dollars
19 (\$500,000) but not over one million dollars (\$1,000,000); and

20 (3) four and one-half percent of the amount of
21 the revenues in the fund over one million dollars (\$1,000,000);

22 B. may accept contributions of public funds for
23 county health care services, which shall be deposited in the
24 fund;

25 C. may hire personnel to carry out the provisions

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1 of the Indigent Hospital and County Health Care Act;

2 D. shall transfer to the state by the last day of
3 March, June, September and December of each year an amount
4 equal to one-fourth of the county's payment pursuant to Section
5 [~~16 of this 2014 act~~] 27-5-6.2 NMSA 1978. This money shall be
6 deposited in the safety net care pool fund;

7 E. shall, in carrying out the provisions of the
8 Indigent Hospital and County Health Care Act, comply with the
9 standards of the federal Health Insurance Portability and
10 Accountability Act of 1996;

11 F. may provide for the transfer of money from the
12 fund to the county-supported medicaid fund to meet the
13 requirements of the Statewide Health Care Act; and

14 G. may contract with ambulance providers, medical
15 transportation providers, hospitals or health care providers
16 for the provision of services for indigent patients domiciled
17 within the county."

18 SECTION 3. Section 27-5-7.1 NMSA 1978 (being Laws 1993,
19 Chapter 321, Section 16, as amended) is amended to read:

20 "27-5-7.1. COUNTY HEALTH CARE ASSISTANCE FUND--AUTHORIZED
21 USES OF THE FUND.--

22 A. The fund may be used to pay for:

23 (1) expenses of burial or cremation of an
24 indigent person;

25 (2) ambulance transportation, medical

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1 transportation, hospital care and health care services for
2 indigent patients; or
3 [~~(5)~~] (3) county administrative expenses
4 associated with fund expenditures authorized in Paragraphs (1)
5 and (2) of this subsection.

6 B. The fund may be used to meet a county's
7 obligation under Section 27-10-4 NMSA 1978."

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