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SENATE BILL 77

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

INTRODUCED BY

Bill B. O'Neill

AN ACT

RELATING TO MEDICAL ASSISTANCE; PROVIDING FOR REIMBURSEMENT OF
FAMILY MEMBERS PROVIDING PERSONAL CARE SERVICES.

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

SECTION 1. ~~[NEW MATERIAL]~~ MEDICAL ASSISTANCE--PERSONAL
CARE SERVICES--FAMILY MEMBER.--

A. The human services department shall allow a
family member of a personal care services recipient to receive
reimbursement for providing personal care services to the
personal care services recipient. The department shall not:

(1) deny reimbursement for personal care
services to a family member who is otherwise qualified to
provide personal care services to the personal care services
recipient; or

(2) require a criminal background check as a

1 condition of reimbursement to a family member who provides
2 personal care services.

3 B. As used in this section:

4 (1) "family member" means a spouse, child,
5 sibling, parent or grandparent;

6 (2) "personal care services" means services
7 provided through any medical assistance program that provides
8 assistance with activities of daily living or instrumental
9 activities of daily living in a personal care services
10 recipient's place of residence or other noninstitutional
11 setting, whether through a consumer-directed model or an
12 agency-directed model; and

13 (3) "personal care services recipient" means a
14 medical assistance recipient:

15 (a) who is at least twenty-one years of
16 age;

17 (b) who is unable to perform at least
18 two activities of daily living because of disability or
19 functional limitation; and

20 (c) whom the human services department
21 has deemed eligible to receive personal care services.