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HOUSE BILL 13

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Brittney Barreras and Roger Montoya

AN ACT

RELATING TO HEALTH; ENACTING A NEW SECTION OF THE PUBLIC ASSISTANCE ACT TO CLARIFY ELIGIBILITY FOR AND COVERAGE OF CERTAIN SERVICES PROVIDED TO NON-CITIZENS.

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] EMERGENCY MEDICAL SERVICES FOR ALIENS.--

A. In accordance with federal law, the secretary shall adopt and promulgate rules that provide medical assistance to non-citizens with an emergency medical condition, who meet all medicaid eligibility requirements, but are not in an immigration status that qualifies for medicaid.

B. For purposes of this section, "emergency medical condition" means any condition manifesting itself with acute

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1 symptoms of sufficient severity, including severe pain, such
2 that the absence of immediate medical attention could
3 reasonably be expected to result in:

- 4 (1) the patient's death;
- 5 (2) placing the patient's health in serious
6 jeopardy;
- 7 (3) serious impairment to bodily functions; or
- 8 (4) serious dysfunction of any bodily organ or
9 part.

10 C. The medical conditions described in Subsection B
11 of this section include:

- 12 (1) labor and delivery, including inductions
13 and cesarean sections; or
- 14 (2) a disease or potential exposure to a
15 disease that has caused the declaration of a public health
16 emergency pursuant to the federal Public Health Service Act or
17 a state public health emergency pursuant to the Public Health
18 Emergency Response Act.

19 D. Services described in Paragraph (2) of
20 Subsection C of this section shall be covered for the duration
21 of the federal or state public health emergency. Services
22 shall include:

- 23 (1) those necessary to immunize against,
24 evaluate or treat an emergency medical condition described in
25 Paragraph (2) of Subsection C of this section, including

.218418.4

1 diagnostic testing, testing-related services, medications,
2 treatment for the emergency medical condition and any
3 complications or co-infections, medical supplies, precautionary
4 treatment following services and vaccinations; and

5 (2) labor and delivery services provided by an
6 out-of-state border hospital or emergency transfers from an in-
7 state acute care hospital to a border acute care hospital.

8 E. A child of a mother eligible for emergency
9 services for labor and delivery services shall be deemed
10 eligible for medicaid as of date of the child's birth.

11 F. The department shall:

12 (1) make applications for emergency medical
13 services for non-citizens available through the same process
14 and methods as other categories of medicaid;

15 (2) approve an eligible individual's
16 application for emergency medical services for non-citizens for
17 a period of twelve months, including up to ninety days prior to
18 the individual's application;

19 (3) provide an eligible individual with a card
20 documenting the individual's eligibility for emergency medical
21 services for non-citizens;

22 (4) notify providers of approval or denial of
23 applications for emergency medical services for non-citizens
24 through the department's online portal; and

25 (5) notify providers and the eligible

underscoring material = new
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1 individual if a claim for services is denied.

2 G. Claims for payment of services covered by
3 emergency medical services for non-citizens shall be made by
4 the provider to the department in the same manner as fee-for-
5 service medicaid."

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