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HOUSE BILL 1305

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DANICE PICRAUX

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING A SECTION OF THE PUBLIC ASSISTANCE ACT TO PROVIDE FOR MEDICAID REIMBURSEMENTS TO SCHOOL DISTRICTS PURSUANT TO THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

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] MEDICAID IN THE SCHOOLS PROGRAM- HUMAN SERVICES DEPARTMENT- - PUBLIC SCHOOL DISTRICTS- - POWERS AND DUTIES- - COVERED SERVICES- - PROCESSING OF CLAIMS. - -

A. School districts may enroll in the medicaid in the schools program to receive federal funds under the medicaid program pursuant to Title 19 of the federal Social Security Act and the federal Individuals with Disabilities Education Act.

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1           B. In order to maximize receipt of federal funds,  
2 the medical assistance division of the department shall furnish  
3 services and promptly reimburse school districts and recipients  
4 within sixty days of receipt of a claim for reimbursement. No  
5 state regulation or procedure affecting the medicaid in the  
6 schools program shall be more restrictive than those established  
7 by federal law or regulation.

8           C. The department may deduct an amount equal to five  
9 percent of the total federal reimbursement available from each  
10 medicaid claim filed under the program and shall convey the  
11 remaining ninety-five percent to the school districts. The  
12 department shall maintain a mechanized claims processing and  
13 information retrieval system for processing reimbursable claims  
14 filed under the program.

15           D. The following services shall be eligible for  
16 reimbursement by the medicaid in the schools program and do not  
17 need prior authorization:

- 18                   (1) speech, language and hearing service and  
19 evaluation;  
20                   (2) occupational therapy and evaluation;  
21                   (3) physical therapy and evaluation;  
22                   (4) nursing services;  
23                   (5) psychological, counseling and social work  
24 services;  
25                   (6) developmental testing;

1 (7) Individuals with Disabilities Education Act  
2 assessment;

3 (8) case management; and

4 (9) transportation for individuals whose  
5 medical needs require accommodation for transport in order to  
6 receive covered services.

7 E. The services described in Subsection D of this  
8 section are medically necessary if the service:

9 (1) addresses a medical or mental disability;

10 (2) assists the person to benefit from special  
11 education; and

12 (3) is provided to a student identified in an  
13 individualized education program or individual family service  
14 plan.

15 F. The department shall permit the submission of  
16 retroactive claims no later than twelve months from the date of  
17 service. The department shall pay claims within thirty days of  
18 the date of receipt.

19 G. Administrative claims are allowed for  
20 reimbursement of costs incurred for persons under twenty-one  
21 years of age by school districts acting in compliance with the  
22 early and periodic screening, diagnosis and treatment services  
23 program pursuant to 42 CFR Part 441 (B). The services include  
24 actions by the department or school districts to assure families  
25 are informed about the program and are assisted to seek the

1 services from health care providers. Health care administrative  
2 services include:

3 (1) program management;  
4 (2) training and supervision of service  
5 providers;

6 (3) directing recipients to preventative  
7 services;

8 (4) informing eligible recipients under Title  
9 19 of early and periodic screening, diagnosis and treatment  
10 services;

11 (5) assistance to children and their families  
12 in determining their eligibility;

13 (6) assuring that screening, diagnosis and  
14 treatment are appropriate and timely; and

15 (7) assuring that services are of sufficient  
16 amount, duration and scope to correct or ameliorate the  
17 conditions for which they were determined to be necessary.

18 H. The department shall adopt regulations to carry  
19 out the provisions of this section pursuant to the federal  
20 office of management and budget circular A-87, as amended, and  
21 shall include requirements that:

22 (1) school districts submit claims quarterly to  
23 the department no later than the forty-fifth calendar day after  
24 the end of the calendar quarter;

25 (2) the financial data used to calculate the

1 claim shall be based on actual expenditure reports including  
2 other costs and obtained directly from school districts'  
3 financial accounting systems;

4 (3) the use by school districts of generally  
5 acceptable governmental accounting standards certified by an  
6 independent professional service;

7 (4) use of a time allocation methodology shall  
8 be applied to determine the appropriate distribution of time  
9 toward the medicaid services during each quarter; and

10 (5) a statistically valid, stratified, random  
11 sample of the school districts' personnel who directly perform  
12 the services shall be selected to participate in the time study  
13 for a segment of time during each quarter for representation of  
14 all eligible participants. "

# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 12, 1997

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

HOUSE BILL 1305

has had it under consideration and reports same with  
recommendation that it DO PASS, amended as follows:

1. On page 2, line 25, strike "developmental" and insert in  
lieu thereof "diagnostic".

2. On page 3, line 9, after "medical" insert "need".

3. On page 3, line 17, strike "thirty" and insert in lieu  
thereof "sixty".,

and thence referred to the CONSUMER AND PUBLIC AFFAIRS  
COMMITTEE.

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

HEC/HB 1305

Page 7

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Respectfully submitted,

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Samuel F. Vigil, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Beam, McSherry, Nicely, Wright

Absent: None

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# **State of New Mexico House of Representatives**

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**March 13, 1997**

**Mr. Speaker:**

**Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to  
whom has been referred**

**HOUSE BILL 1305, as amended**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

**Respectfully submitted,**

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**Gary King, Chairman**

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Dana, Rios, Sandel, Vigil

Absent: None

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