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SENATE BILL 1152

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

INTRODUCED BY

MANNY M ARAGON

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;

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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

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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. "

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 March 15, 1997
6

7 Mr. President:
8

9 Your FINANCE COMMITTEE, to whom has been referred
10

11 SENATE BILL 1152
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS.
15

16 Respectfully submitted,
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21 Ben D. Altamirano, Chairman
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25 Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 7 For 1 Against

Yes: 7

No: Lyons

Excused: Aragon, Ingle, McKibben

Absent: None

S1152FC1

FORTY-THIRD LEGISLATURE

FIRST SESSION

March 16, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 1152

Amendment sponsored by Senator Manny M Aragon

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".

118438.2

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FORTY-THIRD LEGISLATURE
FIRST SESSION

SB 1152

Page 9

Manny M. Aragon

Adopted _____ Not Adopted _____
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