

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 132

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

LINDA M LOPEZ

FOR THE HEALTH AND WELFARE REFORM COMMITTEE

AN ACT

RELATING TO HEALTH; ENACTING THE CHILD HEALTH ACT; CREATING A PROGRAM; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. SHORT TITLE. -- This act may be cited as the "Child Health Act".

Section 2. PURPOSE. -- The purpose of the Child Health Act is to enable the state of New Mexico to provide child health assistance to uninsured low-income children and their families in an effective and efficient manner.

Section 3. DEFINITIONS. -- As used in the Child Health Act:

A. "child" means a natural person who has not reached his nineteenth birthday;

B. "department" means the human services

Underscored material = new  
[bracketed material] = delete

1 department;

2 C. "low-income children and their families" means  
3 a family with a dependent child with income at or below the  
4 level specified in Section 6 of the Child Health Act; and

5 D. "secretary" means the secretary of human  
6 services.

7 Section 4. PROGRAM CREATED. --After consultation with the  
8 secretary of health and the secretary of children, youth and  
9 families, the secretary is directed to design and implement a  
10 program to provide health services to low-income children and  
11 their families in accordance with the provisions of the Child  
12 Health Act. The program shall meet the requirements for  
13 obtaining allotted federal funds pursuant to the provisions of  
14 Title 21 of the federal Social Security Act. In accordance with  
15 those requirements and the requirements of the Child Health Act,  
16 the secretary shall prepare and submit a child health plan to  
17 the federal secretary of health and human services. The  
18 department is the designated state agency to administer the  
19 program and cooperate with the federal government in its  
20 administration.

21 Section 5. PROGRAM OBJECTIVES--DEVELOPMENT OF PLAN AND  
22 ADOPTION OF RULES. --

23 A. The child health plan and the program shall be  
24 designed to achieve the following objectives:

25 (1) expand access to and coverage for full

Underscored material = new  
[bracketed material] = delete

1 or partial payment for a comprehensive array of personal  
2 health services for low-income children and their families who  
3 do not have those services at present;

4 (2) increase measurably the quality of life  
5 and well-being for the state's citizens by ensuring the good  
6 health of children and adults in low-income families;

7 (3) reduce substantially the occurrence rates  
8 of preventable illness and disease, morbidity and mortality in  
9 the state's population;

10 (4) increase positively the benefit-to-cost  
11 ratios of health services provided in the state to the  
12 population as a whole while at the same time improving the  
13 quality of service when measured by both scientifically  
14 objective and beneficiary-perceived criteria;

15 (5) retard escalation of health care costs in  
16 all segments of the health care industry;

17 (6) provide through demonstration projects,  
18 coupled with any necessary and appropriate federal waivers of  
19 conditions for expenditure approval, innovative and  
20 imaginative methods of providing health care to all eligible  
21 segments of the state's population; and

22 (7) comply with the terms and conditions set  
23 forth in the state children's health insurance program  
24 established pursuant to Title 21 of the federal Social  
25 Security Act.

. 121710. 6

Underscored material = new  
[bracketed material] = delete

1           B. Implementation of an approved child health plan  
2 shall be in accordance with rules adopted by the secretary  
3 after consultation with the department of health and the  
4 children, youth and families department. The rules shall be  
5 designed to achieve and be consistent with the objectives  
6 specified in Subsection A of this section. Those objectives  
7 are stated as mandatory standards by which the validity of  
8 proposed rules shall be tested. Additionally, the rules must  
9 be consistent with those provisions of the Child Health Act  
10 that mandate program requirements.

11           Section 6. PLAN CONTENT--REQUIRED ELEMENTS.--The child  
12 health plan and the program of services to be provided by it  
13 shall include:

14           A. appropriate methods of outreach to increase the  
15 enrollment of eligible children;

16           B. a "phase one" that shall include providing  
17 health insurance to children living in households at or below  
18 two hundred thirty-five percent of the federal poverty level;

19           C. a "phase two" that may consist of those  
20 federally approved specialized services included in the child  
21 health plan by the secretary, a continuum of prevention and  
22 intervention services that may be developed and implemented,  
23 including applications for any federal waivers of conditions  
24 that are necessary and consisting of at least the following:

25           (1) implementation of a voluntary home

Underscored material = new  
[bracketed material] = delete

1 visiting program available statewide for mothers having their  
2 first child, beginning during pregnancy and extending for two  
3 years, with a frequency of use as indicated by maternal desire  
4 and home visiting team recommendations;

5 (2) provision for home- and community-based  
6 early intervention developmental services;

7 (3) provision for a behavioral health  
8 identification, assessment and management system;

9 (4) provision for school-based health  
10 services in the network of health care programs;

11 (5) provision for the existing healthier kids  
12 fund administered by the department of health to enable  
13 children to have effective access to health care;

14 (6) development of ways to increase  
15 children's dental services, including such prevention services  
16 as periodic examinations, radiographs, prophylactic cleanings,  
17 fluoride treatments and sealants; and

18 (7) development of ways to increase  
19 children's vision services including periodic professional eye  
20 examinations and prescription eyewear;

21 D. provision for inhibiting or preventing both  
22 employer crowd-out and employee crowd-in;

23 E. requirements that in the development and  
24 implementation of the plan the interests of Native American  
25 children are identified, and that appropriate provisions for

. 121710. 6

Underscored material = new  
[bracketed material] = delete

1 their enrollment are made with recognition that the  
2 application process and the delivery of services with respect  
3 to those children present special cultural and other  
4 considerations;

5 F. provision for coordination of the  
6 administration of the program with other public and private  
7 health programs;

8 G. identification and implementation of methods,  
9 including monitoring used to ensure the quality and  
10 appropriateness of care, particularly with respect to well  
11 baby care, well child care and immunizations provided pursuant  
12 to the plan and to ensure access to covered services,  
13 including emergency services;

14 H. methods by which the state will collect data,  
15 maintain the records and furnish required reports to the  
16 secretary or his designees;

17 I. specific requirements for and description of  
18 the means to be used to ensure that members of the public will  
19 be involved in the design and implementation of the plan and a  
20 description of a method to ensure ongoing public involvement;  
21 and

22 J. operation and management of the program by the  
23 department in the most fiscally responsible manner, subject to  
24 all available legislative appropriations and federal  
25 contributions for the program, so that low-income children and

Underscored material = new  
[bracketed material] = delete

1 their families receive the optimum health care possible.

2 Section 7. CREATION OF LEGISLATIVE OVERSIGHT COMMITTEE--  
3 AUTHORITY AND DUTIES. --

4 A. There is created a joint interim legislative  
5 committee, which shall be known as the "program oversight  
6 committee".

7 B. The committee shall be composed of eight  
8 members. Four members of the house of representatives shall  
9 be appointed by the speaker of the house of representatives  
10 and four members of the senate shall be appointed by the  
11 committees' committee of the senate or, if the senate  
12 appointments are made in the interim, by the president pro  
13 tempore of the senate after consultation with and agreement of  
14 a majority of the members of the committees' committee.  
15 Members shall be appointed so that there is a member from each  
16 of the major political parties from each house. No member who  
17 has a financial interest in an insurance company or health  
18 care provider shall be appointed to the committee.

19 C. The program oversight committee shall oversee  
20 the development and operations of the program created pursuant  
21 to the Child Health Act. It shall fulfill any  
22 responsibilities delegated to it pursuant to that act.

23 D. The committee shall report annually its  
24 findings and recommendations regarding the program to each  
25 regular session of the legislature and shall include in that

Underscored material = new  
[bracketed material] = delete

1 report any recommendations for changes in the laws pertaining  
2 to the program.

3 Section 8. APPROPRIATION. -- Two million nine hundred  
4 thousand dollars (\$2,900,000) is appropriated from the general  
5 fund to the human services department for expenditure in fiscal  
6 years 1998 through 2000 for the purpose of providing the state  
7 match to establish a new state children's health insurance  
8 program authorized in the federal Budget Reconciliation Act of  
9 1997. In addition, the human services department, the  
10 department of health and the children, youth and families  
11 department are authorized to expend in fiscal years 1998, 1999  
12 and 2000, in contributions toward a higher state match, up to a  
13 total of three million six hundred thousand dollars (\$3,600,000)  
14 from department balances, toward the establishment of the state  
15 children's health insurance program. Pursuant to Sections  
16 6-3-23 through 6-3-25 NMSA 1978, the departments are  
17 specifically authorized to request any budget adjustments  
18 necessary to make the contributions. Any unexpended or  
19 unencumbered balance remaining at the end of fiscal year 2008  
20 shall revert to the general fund.

21 Section 9. DELAYED REPEAL. -- Effective July 1, 2007, the  
22 Child Health Act is repealed.

23 Section 10. EMERGENCY. -- It is necessary for the public  
24 peace, health and safety that this act take effect immediately.

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3  
4  
5  
6 January 28, 1998

7  
8 Mr. President:

9  
10 Your COMMITTEES' COMMITTEE, to whom has been referred

11  
12 SENATE BILL 132

13  
14 has had it under consideration and finds same to be GERMANE, in  
15 accordance with constitutional provisions, and thence referred to the  
16 PUBLIC AFFAIRS COMMITTEE.

17  
18  
19 Respectfully submitted,

20  
21  
22  
23  
24 \_\_\_\_\_  
25 Manny M. Aragon, Chairman

Underscored material = new  
~~[bracketed material]~~ = delete

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

S0132CC1

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3 SB 132/a

4  
5  
6 February 4, 1998

7  
8 Mr. President:

9  
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

11  
12 SENATE BILL 132

13  
14 has had it under consideration and reports same with recommendation  
15 that it DO PASS, amended as follows:

16  
17  
18 1. On page 8, line 19, strike "2008" and insert in lieu thereof  
19 "2003".

20  
21 2. On page 8, line 21, strike "2007" and insert in lieu thereof  
22 "2002".,

23  
24 and thence referred to the FINANCE COMMITTEE.

25  
Respectfully submitted,

FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

%%%

Page 12

\_\_\_\_\_  
Shannon Robinson, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Adair, Boitano, Smith, Vernon

Absent: None

S0132PA1

. 122949. 1

. 121710. 6

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Page 13

FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

February 7, 1998

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE BILL 132, as amended

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

Respectfully submitted,

. 121710. 6

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

%%%

Page 14

\_\_\_\_\_  
Ben D. Altamirano, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

Absent: None

. 121710. 6

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

%%%

Page 15

S0132FC1

Underscored material = new  
~~[bracketed material]~~ = delete

. 121710. 6

Underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**FORTY-THIRD LEGISLATURE**  
**SECOND SESSION, 1998**

**February 13, 1998**

**Mr. Speaker:**

**Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom has  
been referred**

**SENATE BILL 132, as amended**

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

**Respectfully submitted,**

\_\_\_\_\_  
Max Coll, Chairman

FORTY-THIRD LEGISLATURE  
SECOND SESSION, 1998

Page 17

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 4 Against

Yes: 10

No: Buffett, Pearce, Townsend, Wallace

Excused: Bird, Coll, Varela, Vigil

Absent: None

G:\BILLTEXT\BILLW\_98\S0132

Underscored material = new  
[bracketed material] = delete