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SENATE BILL

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO MEDICAL ASSISTANCE; ENACTING A NEW SECTION OF THE PUBLIC ASSISTANCE ACT TO REQUIRE THE SECRETARY OF HUMAN SERVICES TO OBTAIN PRIOR LEGISLATIVE APPROVAL BEFORE SUBMITTING CERTAIN CHANGES TO THE STATE'S MEDICAID PROGRAM THROUGH STATE PLAN AMENDMENTS OR WAIVER APPLICATIONS TO FEDERAL AUTHORITIES.

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

SECTION 1. Section 27-2-1 NMSA 1978 (being Laws 1973, Chapter 376, Section 1) is amended to read:

"27-2-1. SHORT TITLE.--Sections [~~1 through 20 of this act and Sections 13-1-9, 13-1-10, 13-1-12, 13-1-13, 13-1-17, 13-1-18, 13-1-18.1, 13-1-19, 13-1-20, 13-1-20.1, 13-1-21, 13-1-22, 13-1-27, 13-1-27.2, 13-1-27.3, 13-1-27.4, 13-1-28, 13-1-28.6, 13-1-29, 13-1-30, 13-1-34, 13-1-35, 13-1-37, 13-1-39, 13-1-40, 13-1-41 and 13-1-42 NMSA 1953]~~ 27-2-1 through .187853.2

underscored material = new  
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1 27-2-34 NMSA 1978 and Section 2 of this 2012 act may be cited  
2 as the "Public Assistance Act"."

3 SECTION 2. A new section of the Public Assistance Act is  
4 enacted to read:

5 "[NEW MATERIAL] STATE MEDICAID PLAN AMENDMENTS--WAIVERS--  
6 PRIOR LEGISLATIVE APPROVAL.--When the department proposes to  
7 make changes to the state's medicaid program that have a fiscal  
8 impact of more than one million dollars (\$1,000,000) or  
9 proposes to modify eligibility standards; add, remove or modify  
10 benefits; or add or modify cost-sharing or premium obligations  
11 for recipients, the secretary shall obtain legislative approval  
12 before submitting any of the following documents for federal  
13 approval:

- 14 A. amendments to the state medicaid plan;
- 15 B. a waiver of state medicaid plan requirements; or
- 16 C. amendments to an existing waiver of state  
17 medicaid plan requirements."