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SENATE BILL 284

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Benny Shendo, Jr.

AN ACT

RELATING TO PUBLIC ASSISTANCE; AMENDING A SECTION OF THE PUBLIC ASSISTANCE ACT TO BAN MANDATORY ENROLLMENT OF NATIVE AMERICANS IN MEDICAID MANAGED CARE; REQUIRING TARGETED OUTREACH TO NATIVE AMERICANS; MAKING AN APPROPRIATION.

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

SECTION 1. Section 27-2-12.6 NMSA 1978 (being Laws 1994, Chapter 62, Section 22) is amended to read:

"27-2-12.6. MEDICAID PAYMENTS--MANAGED CARE--NATIVE AMERICANS OPTIONAL ENROLLMENT--NOTICE REQUIREMENTS.--

A. The department shall provide for a statewide, managed care system to provide cost-efficient, preventive, primary and acute care for medicaid recipients by July 1, 1995.

B. The managed care system shall ensure:

(1) access to medically necessary services,

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1 particularly for medicaid recipients with chronic health
2 problems;

3 (2) to the extent practicable, maintenance of
4 the rural primary care delivery infrastructure;

5 (3) that the department's approach is
6 consistent with national and state health care reform
7 principles; and

8 (4) to the maximum extent possible, that
9 medicaid-eligible individuals are not identified as such except
10 as necessary for billing purposes.

11 C. The department may exclude nursing homes,
12 intermediate care facilities for the mentally retarded,
13 medicaid in-home and community-based waiver services and
14 residential and community-based mental health services for
15 children with serious emotional disorders from the provisions
16 of this section.

17 D. The department shall not require the enrollment
18 in a managed care program of any recipient who self-identifies
19 as a Native American.

20 E. The department shall afford any recipient who
21 self-identifies as a Native American the option of enrolling in
22 a medicaid managed care program or a medicaid fee-for-service
23 program for medical or behavioral health services. Upon
24 determination of medicaid eligibility, a Native American may
25 choose to enroll in a medicaid managed care program or a

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1 medicaid fee-for-service program.

2 F. At the time of enrollment in medicaid, the
3 department shall provide notice to Native American applicants
4 and recipients that states clearly and prominently that Native
5 American recipients are not required to enroll in a medicaid
6 managed care program. In any communication requesting the
7 selection of a medicaid managed care organization, the
8 department shall provide applicants and recipients with the
9 opportunity to identify themselves as Native Americans and
10 select the medicaid fee-for-service program.

11 G. The department shall enroll a Native American
12 recipient into the medicaid fee-for-service program unless the
13 recipient affirmatively chooses to enroll in a medicaid managed
14 care organization.

15 H. The department shall provide Native American
16 recipients the opportunity, on an individual basis, to enroll
17 in or disenroll from a medicaid managed care program or a
18 medicaid fee-for-service program every six months.

19 I. The department and each managed care entity with
20 which the department contracts to provide medicaid coverage
21 shall clearly and prominently state on each notice, letter,
22 informational material or instructional or marketing material
23 relating to managed care enrollment, distributed to or made
24 publicly available to recipients and potential recipients of
25 medicaid, that Native American recipients or potential

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underscored material = new
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1 recipients are not required to enroll in a medicaid managed
2 care program. This statement shall be provided in a manner and
3 form that may be easily understood by Native American
4 recipients and potential recipients."

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

7 "[NEW MATERIAL] TARGETED OUTREACH TO NATIVE AMERICANS.--

8 A. The department shall conduct targeted outreach
9 across the state, in consultation with tribes, nations and
10 pueblos, tribal health providers and entities that serve off-
11 reservation Native Americans, to enroll Native Americans into
12 medicaid and inform them about their rights under Section
13 27-2-12.6 NMSA 1978.

14 B. As used in this section, "off-reservation Native
15 American" means a member of a federally recognized tribe or an
16 Alaskan Native or a person who is eligible for Indian health
17 services who lives outside of a reservation and is a New Mexico
18 resident."

19 SECTION 3. APPROPRIATION.--One hundred thousand dollars
20 (\$100,000) is appropriated from the general fund to the human
21 services department for expenditure in fiscal year 2015 to
22 carry out the provisions of Sections 1 and 2 of this act. Any
23 unexpended or unencumbered balance remaining at the end of
24 fiscal year 2015 shall revert to the general fund.