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HOUSE BILL 272

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Elizabeth "Liz" Thomson

AN ACT

RELATING TO HEALTH; PROVIDING FOR THE ESTABLISHMENT AND IMPLEMENTATION OF THE EASY ENROLLMENT PROGRAM; IDENTIFYING UNINSURED INDIVIDUALS AND PROVIDING OUTREACH TO FACILITATE THEIR ENROLLMENT IN FREE OR LOW-COST HEALTH INSURANCE PLANS.

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

SECTION 1. ~~[NEW MATERIAL]~~ EASY ENROLLMENT PROGRAM--
ESTABLISHMENT--IMPLEMENTATION--DUTIES.--

A. No later than January 1, 2022, the taxation and revenue department, the department and the exchange shall provide for the establishment and implementation of the "easy enrollment program" to:

- (1) determine whether a taxpayer is uninsured;
- and
- (2) conduct outreach to uninsured taxpayers to

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1 facilitate enrollment in a free or low-cost health insurance
2 plan.

3 B. A taxpayer may give consent to the taxation and
4 revenue department to provide the taxpayer's insurance-relevant
5 information to the human services department and the exchange
6 for the purpose of determining eligibility for enrollment in a
7 program offered by the department's medical assistance
8 division, medicare or a health insurance plan available through
9 the exchange and notifying the taxpayer of such eligibility.
10 The secretary of taxation and revenue shall revise the state
11 income tax form to permit a taxpayer to provide consent to
12 provide that information to the department and the exchange by
13 marking a check box on the form.

14 C. Upon receipt of the taxpayer's insurance-
15 relevant information, the department and the exchange shall
16 determine the taxpayer's eligibility for a program provided by
17 the medical assistance division of the department, medicare or
18 a health coverage plan available through the exchange. If the
19 insurance-relevant information is insufficient to determine
20 eligibility, the department or the exchange shall contact the
21 taxpayer to request additional information.

22 D. The department shall notify the taxpayer
23 regarding the taxpayer's eligibility for:

24 (1) the appropriate program offered by the
25 department's medical assistance division and enroll the

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1 taxpayer in that program pursuant to rules issued by the
2 department; or

3 (2) medicare by providing contact information
4 for a consumer-assistance organization that is knowledgeable
5 about coverage options and the enrollment process.

6 E. If the taxpayer is ineligible for a program
7 described in Subsection D of this section, the exchange shall:

8 (1) provide the taxpayer with information
9 about each of the health insurance plans available through the
10 exchange, including a description of the coverage provided and
11 the cost to the taxpayer;

12 (2) determine the least expensive health
13 insurance plan available to the taxpayer through the exchange,
14 using factors including actuarial value, pre-deductible costs
15 and the cost of premiums; and

16 (3) provide the taxpayer with information
17 about how to enroll in such a plan.

18 F. If the taxpayer notifies the exchange that the
19 taxpayer is interested in enrolling in a health insurance plan
20 available through the exchange, the exchange shall provide the
21 taxpayer with:

22 (1) a time-limited opportunity to enroll in a
23 health insurance plan; and

24 (2) information about how to use an advance
25 premium tax credit to purchase a health insurance plan.

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1 G. When the taxpayer enrolls in a health insurance
2 plan offered through the exchange, the exchange shall ensure
3 that:

4 (1) coverage begins within a reasonable period
5 of time;

6 (2) taxpayers receive periodic reminders to
7 promptly notify the exchange about changed household
8 circumstances; and

9 (3) the taxpayer has a time-limited
10 opportunity to enroll in an alternative health insurance plan
11 if the taxpayer chooses to do so.

12 H. The taxation and revenue department, the
13 department and the exchange shall promulgate rules to establish
14 and implement the easy enrollment program and the provisions of
15 this section.

16 I. As used in this section:

17 (1) "advance premium tax credit" means a
18 refundable tax credit designed to help eligible individuals
19 afford a health insurance plan purchased through the exchange;

20 (2) "department" means the human services
21 department;

22 (3) "exchange" means the New Mexico health
23 insurance exchange;

24 (4) "insurance-relevant information" means the
25 insurance enrollment status of members of the taxpayer's

1 household and information included in a state income tax
2 return, which is limited to determining the taxpayer's
3 eligibility for enrollment in a health insurance plan,
4 including taxable income, household size, whether the taxpayer
5 can claim any member of the taxpayer's household as a dependent
6 and contact information to allow the department or the exchange
7 to notify the taxpayer of such eligibility; and

8 (5) "taxpayer" means any individual subject to
9 the tax imposed by the Income Tax Act.

10 SECTION 2. Section 7-1-8.8 NMSA 1978 (being Laws 2019,
11 Chapter 87, Section 2, as amended) is amended to read:

12 "7-1-8.8. INFORMATION THAT MAY BE REVEALED TO OTHER STATE
13 AGENCIES.--An employee of the department may reveal to:

14 A. a committee of the legislature for a valid
15 legislative purpose, return information concerning any tax or
16 fee imposed pursuant to the Cigarette Tax Act;

17 B. the attorney general, return information
18 acquired pursuant to the Cigarette Tax Act for purposes of
19 Section 6-4-13 NMSA 1978 and the master settlement agreement
20 defined in Section 6-4-12 NMSA 1978;

21 C. the commissioner of public lands, return
22 information for use in auditing that pertains to rentals,
23 royalties, fees and other payments due the state under land
24 sale, land lease or other land use contracts;

25 D. the secretary of human services or the

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1 secretary's delegate under a written agreement with the
2 department, the last known address with date of all names
3 certified to the department as being absent parents of children
4 receiving public financial assistance, but only for the purpose
5 of enforcing the support liability of the absent parents by the
6 child support enforcement division or any successor
7 organizational unit;

8 E. the department of information technology, by
9 electronic media, a database updated quarterly that contains
10 the names, addresses, county of address and taxpayer
11 identification numbers of New Mexico personal income tax
12 filers, but only for the purpose of producing the random jury
13 list for the selection of petit or grand jurors for the state
14 courts pursuant to Section 38-5-3 NMSA 1978;

15 F. the state courts, the random jury lists produced
16 by the department of information technology under Subsection E
17 of this section;

18 G. the director of the New Mexico department of
19 agriculture or the director's authorized representative, upon
20 request of the director or representative, the names and
21 addresses of all gasoline or special fuel distributors,
22 wholesalers and retailers;

23 H. the public regulation commission, return
24 information with respect to the Corporate Income and Franchise
25 Tax Act required to enable the commission to carry out its

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1 duties;

2 I. the state racing commission, return information
3 with respect to the state, municipal and county gross receipts
4 taxes paid by racetracks;

5 J. the gaming control board, tax returns of license
6 applicants and their affiliates as provided in Subsection E of
7 Section 60-2E-14 NMSA 1978;

8 K. the director of the workers' compensation
9 administration or to the director's representatives authorized
10 for this purpose, return information to facilitate the
11 identification of taxpayers that are delinquent or noncompliant
12 in payment of fees required by Section 52-1-9.1 or 52-5-19 NMSA
13 1978;

14 L. the secretary of workforce solutions or the
15 secretary's delegate, return information for use in enforcement
16 of unemployment insurance collections pursuant to the terms of
17 a written reciprocal agreement entered into by the department
18 with the secretary of workforce solutions for exchange of
19 information;

20 M. the New Mexico finance authority, information
21 with respect to the amount of municipal and county gross
22 receipts taxes collected by municipalities and counties
23 pursuant to any local option municipal or county gross receipts
24 taxes imposed, and information with respect to the amount of
25 governmental gross receipts taxes paid by every agency,

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1 institution, instrumentality or political subdivision of the
2 state pursuant to Section 7-9-4.3 NMSA 1978;

3 N. the secretary of human services or the
4 secretary's delegate; provided that a person who receives the
5 confidential return information on behalf of the human services
6 department shall not reveal the information and shall be
7 subject to the penalties in Section 7-1-76 NMSA 1978 if the
8 person fails to maintain the confidentiality required:

9 (1) that return information needed for reports
10 required to be made to the federal government concerning the
11 use of federal funds for low-income working families;

12 (2) the names and addresses of low-income
13 taxpayers for the limited purpose of outreach to those
14 taxpayers; provided that the human services department shall
15 pay the department for expenses incurred by the department to
16 derive the information requested by the human services
17 department if the information requested is not readily
18 available in reports for which the department's information
19 systems are programmed; ~~and~~

20 (3) return information required to administer
21 the Health Care Quality Surcharge Act; and

22 (4) health-insurance-relevant information, but
23 only for the purpose of determining eligibility for enrollment
24 in a program offered by the human services department's medical
25 assistance division, medicare or health insurance plans

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1 available through the New Mexico health insurance exchange and
2 notifying the taxpayer of such eligibility;

3 O. the superintendent of insurance, return
4 information with respect to the premium tax and the health
5 insurance premium surtax;

6 P. the secretary of finance and administration or
7 the secretary's designee, return information concerning a
8 credit pursuant to the Film Production Tax Credit Act;

9 Q. the secretary of economic development or the
10 secretary's designee, return information concerning a credit
11 pursuant to the Film Production Tax Credit Act;

12 R. the secretary of public safety or the
13 secretary's designee, return information concerning the Weight
14 Distance Tax Act;

15 S. the secretary of transportation or the
16 secretary's designee, return information concerning the Weight
17 Distance Tax Act;

18 T. the secretary of energy, minerals and natural
19 resources or the secretary's designee, return information
20 concerning tax credits or deductions for which eligibility is
21 certified or otherwise determined by the secretary or the
22 secretary's designee; ~~and~~

23 U. the secretary of environment or the secretary's
24 designee, return information concerning tax credits for which
25 eligibility is certified or otherwise determined by the

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1 secretary or the secretary's designee; and

2 V. the executive director of the New Mexico health
3 insurance exchange, health-insurance-relevant information, but
4 only for the purpose of determining eligibility for enrollment
5 in a health insurance plan available through the exchange and
6 notifying the taxpayer of such eligibility."

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