

1 HOUSE BILL 337

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 James Roger Madalena

5  
6  
7  
8  
9  
10 AN ACT

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

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

19 "27-2-12.6. MEDICAID PAYMENTS--MANAGED CARE--NATIVE  
20 AMERICANS OPTIONAL ENROLLMENT--NOTICE REQUIREMENTS.--

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

24 B. The managed care system shall ensure:

25 (1) access to medically necessary services,

.196275.2

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

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

.196275.2

underscored material = new  
[bracketed material] = delete

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

.196275.2

underscored material = new  
[bracketed material] = delete

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.