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AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978 TO
COMPLY WITH CHANGES IN FEDERAL REGULATIONS REGARDING THE
REPLACEMENT OF SOLE COMMUNITY PROVIDERS WITH QUALIFYING
HOSPITALS; ALLOWING CERTAIN COUNTIES TO IMPOSE AN ADDITIONAL
INCREMENT OF THE COUNTY GROSS RECEIPTS TAX FOR THREE YEARS TO
SUPPORT CERTAIN HOSPITALS THAT PROVIDE INDIGENT CARE;
REQUIRING CERTAIN COUNTIES TO DEDICATE AND TRANSFER CERTAIN
FUNDS TO THE SAFETY NET CARE POOL FUND FOR THREE YEARS;
DECLARING AN EMERGENCY.

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

SECTION 1. Section 7-1-6.13 NMSA 1978 (being Laws 1983,
Chapter 211, Section 18, as amended) is amended to read:

"7-1-6.13. TRANSFER--REVENUES FROM COUNTY LOCAL OPTION
GROSS RECEIPTS TAXES.--

A. Except as provided in Subsection B of this
section, a transfer pursuant to Section 7-1-6.1 NMSA 1978
shall be made to each county for which the department is
collecting a local option gross receipts tax imposed by that
county in an amount, subject to any increase or decrease made
pursuant to Section 7-1-6.15 NMSA 1978, equal to the net
receipts attributable to the local option gross receipts tax
imposed by that county, less any deduction for administrative

1 cost determined and made by the department pursuant to the
2 provisions of the act authorizing imposition by that county
3 of the local option gross receipts tax and any additional
4 administrative fee withheld pursuant to Subsection C of
5 Section 7-1-6.41 NMSA 1978.

6 B. A transfer pursuant to this section may be
7 adjusted for a distribution made to a tax increment
8 development district with respect to a portion of a gross
9 receipts tax increment dedicated by a county pursuant to the
10 Tax Increment for Development Act."

11 SECTION 2. Section 7-20E-7 NMSA 1978 (being Laws 1993,
12 Chapter 354, Section 7, as amended) is amended to read:

13 "7-20E-7. COLLECTION BY DEPARTMENT--TRANSFER OF
14 PROCEEDS--DEDUCTIONS.--

15 A. The department shall collect each tax imposed
16 pursuant to the provisions of the County Local Option Gross
17 Receipts Taxes Act in the same manner and at the same time it
18 collects the state gross receipts tax.

19 B. The department shall withhold an administrative
20 fee pursuant to Section 7-1-6.41 NMSA 1978. The department
21 shall transfer to each county for which it is collecting a
22 tax pursuant to the provisions of the County Local Option
23 Gross Receipts Taxes Act the amount of each tax collected for
24 that county, less the administrative fee withheld and less
25 any disbursements for tax credits, refunds and the payment of

1 interest applicable to the tax. The transfer to the county
2 shall be made within the month following the month in which
3 the tax is collected."

4 SECTION 3. Section 7-20E-9 NMSA 1978 (being Laws 1983,
5 Chapter 213, Section 30, as amended) is amended to read:

6 "7-20E-9. COUNTY GROSS RECEIPTS TAX--AUTHORITY TO
7 IMPOSE RATE--COUNTY HEALTH CARE ASSISTANCE FUND
8 REQUIREMENTS.--

9 A. Except as provided in Subsection E of this
10 section, a majority of the members of the governing body of a
11 county may enact an ordinance imposing an excise tax not to
12 exceed a rate of seven-sixteenths percent of the gross
13 receipts of any person engaging in business in the county for
14 the privilege of engaging in business in the county. An
15 ordinance imposing an excise tax pursuant to this subsection
16 shall impose the tax in three independent increments of
17 one-eighth percent and one independent increment of
18 one-sixteenth percent, which shall be separately denominated
19 as "the first one-eighth increment", "the second one-eighth
20 increment", "the third one-eighth increment" and "the
21 one-sixteenth increment", respectively, not to exceed an
22 aggregate amount of seven-sixteenths percent.

23 B. The tax authorized by this section is to be
24 referred to as the "county gross receipts tax".

25 C. A class A county with a county hospital

1 operated and maintained pursuant to a lease or operating
2 agreement with a state educational institution named in
3 Article 12, Section 11 of the constitution of New Mexico
4 enacting the second one-eighth increment of county gross
5 receipts tax shall provide, each year that the tax is in
6 effect, not less than one million dollars (\$1,000,000) in
7 funds, and that amount shall be dedicated to the support of
8 indigent patients who are residents of that county. Funds
9 for indigent care shall be made available each month of each
10 year the tax is in effect in an amount not less than
11 eighty-three thousand three hundred thirty-three dollars
12 thirty-three cents (\$83,333.33). The interest from the
13 investment of county funds for indigent care may be used for
14 other assistance to indigent persons, not to exceed twenty
15 thousand dollars (\$20,000) for all other assistance in any
16 year.

17 D. A county, except a class A county with a county
18 hospital operated and maintained pursuant to a lease or
19 operating agreement with a state educational institution
20 named in Article 12, Section 11 of the constitution of
21 New Mexico, imposing the second one-eighth increment of
22 county gross receipts tax shall be required to dedicate the
23 entire amount of revenue produced by the imposition of the
24 second one-eighth increment for the support of indigent
25 patients who are residents of that county. The revenue

1 produced by the imposition of the third one-eighth increment
2 and the one-sixteenth increment may be used for general
3 purposes. Any county that has imposed the second one-eighth
4 increment or the third one-eighth increment, or both, on
5 January 1, 1996 for support of indigent patients in the
6 county or, after January 1, 1996, imposes the second
7 one-eighth increment or imposes the third one-eighth
8 increment and dedicates one-half of that increment for county
9 indigent patient purposes shall deposit the revenue dedicated
10 for county indigent purposes that is transferred to the
11 county in the county health care assistance fund, and such
12 revenues shall be expended pursuant to the Indigent Hospital
13 and County Health Care Act.

14 E. Until June 30, 2017, in addition to the
15 increments authorized pursuant to Subsection A of this
16 section, the majority of the members of the governing body of
17 a county, except a class A county with a hospital that is
18 operated and maintained pursuant to a lease or operating
19 agreement with a state educational institution named in
20 Article 12, Section 11 of the constitution of New Mexico, may
21 enact an ordinance imposing an excise tax of one-sixteenth
22 percent or one-twelfth percent of the gross receipts of any
23 person engaging in business in the county for the privilege
24 of engaging in business in the county."

25 SECTION 4. Section 27-5-2 NMSA 1978 (being Laws 1965,

1 Chapter 234, Section 2, as amended) is amended to read:

2 "27-5-2. PURPOSE OF INDIGENT HOSPITAL AND COUNTY HEALTH
3 CARE ACT.--The purpose of the Indigent Hospital and County
4 Health Care Act is:

5 A. to recognize that each individual county of
6 this state is the responsible agency for ambulance
7 transportation, hospital care or the provision of health care
8 to indigent patients domiciled in that county, as determined
9 by resolution of the board of county commissioners, in
10 addition to providing support for the state's medicaid
11 program;

12 B. to recognize that the counties of the state are
13 responsible for supporting indigent patients by providing
14 local revenues to match federal funds for the state medicaid
15 program pursuant to Section 7-20E-9 NMSA 1978 and the
16 transfer of funds to the county-supported medicaid fund
17 pursuant to the Statewide Health Care Act; and

18 C. to recognize that the counties of the state can
19 improve the provision of health care to indigent patients by
20 providing local revenues for countywide or multicounty health
21 planning."

22 SECTION 5. Section 27-5-3 NMSA 1978 (being Laws 1965,
23 Chapter 234, Section 3, as amended) is amended to read:

24 "27-5-3. PUBLIC ASSISTANCE PROVISIONS.--

25 A. A hospital shall not be paid from the fund

1 under the Indigent Hospital and County Health Care Act for
2 costs of an indigent patient for services that have been
3 determined by the department to be eligible for medicaid
4 reimbursement.

5 B. No action for collection of claims under the
6 Indigent Hospital and County Health Care Act shall be allowed
7 against an indigent patient who is medicaid eligible for
8 medicaid covered services, nor shall action be allowed
9 against the person who is legally responsible for the care of
10 the indigent patient during the time that person is medicaid
11 eligible."

12 SECTION 6. Section 27-5-4 NMSA 1978 (being Laws 1965,
13 Chapter 234, Section 4, as amended) is amended to read:

14 "27-5-4. DEFINITIONS.--As used in the Indigent Hospital
15 and County Health Care Act:

16 A. "ambulance provider" or "ambulance service"
17 means a specialized carrier based within the state authorized
18 under provisions and subject to limitations as provided in
19 individual carrier certificates issued by the public
20 regulation commission to transport persons alive, dead or
21 dying en route by means of ambulance service. The rates and
22 charges established by public regulation commission tariff
23 shall govern as to allowable cost. Also included are air
24 ambulance services approved by the county. The air ambulance
25 service charges shall be filed and approved pursuant to

1 Subsection D of Section 27-5-6 NMSA 1978 and Section 27-5-11
2 NMSA 1978;

3 B. "cost" means all allowable costs of providing
4 health care services, to the extent determined by resolution
5 of a county, for an indigent patient. Allowable costs shall
6 be based on medicaid fee-for-service reimbursement rates for
7 hospitals, licensed medical doctors and osteopathic
8 physicians;

9 C. "county" means a county except a class A county
10 with a county hospital operated and maintained pursuant to a
11 lease or operating agreement with a state educational
12 institution named in Article 12, Section 11 of the
13 constitution of New Mexico;

14 D. "department" means the human services
15 department;

16 E. "fund" means a county health care assistance
17 fund;

18 F. "health care services" means treatment and
19 services designed to promote improved health in the county
20 indigent population, including primary care, prenatal care,
21 dental care, behavioral health care, alcohol or drug
22 detoxification and rehabilitation, hospital care, provision
23 of prescription drugs, preventive care or health outreach
24 services, to the extent determined by resolution of the
25 county;

1 G. "indigent patient" means a person to whom an
2 ambulance service, a hospital or a health care provider has
3 provided medical care, ambulance transportation or health
4 care services and who can normally support the person's self
5 and the person's dependents on present income and liquid
6 assets available to the person but, taking into consideration
7 the person's income, assets and requirements for other
8 necessities of life for the person and the person's
9 dependents, is unable to pay the cost of the ambulance
10 transportation or medical care administered or both; provided
11 that if a definition of "indigent patient" is adopted by a
12 county in a resolution, the definition shall not include any
13 person whose annual income together with that person's
14 spouse's annual income totals an amount that is fifty percent
15 greater than the per capita personal income for New Mexico as
16 shown for the most recent year available in the survey of
17 current business published by the United States department of
18 commerce. "Indigent patient" includes a minor who has
19 received ambulance transportation or medical care or both and
20 whose parent or the person having custody of that minor would
21 qualify as an indigent patient if transported by ambulance,
22 admitted to a hospital for care or treated by a health care
23 provider;

24 H. "medicaid eligible" means a person who is
25 eligible for medical assistance from the department;

1 I. "planning" means the development of a
2 countywide or multicounty health plan to improve and fund
3 health services in the county based on the county's needs
4 assessment and inventory of existing services and resources
5 and that demonstrates coordination between the county and
6 state and local health planning efforts;

7 J. "public entity" means a state, local or tribal
8 government or other political subdivision or agency of that
9 government; and

10 K. "qualifying hospital" means an acute care
11 general hospital licensed by the department of health that is
12 qualified to receive payments from the safety net care pool
13 pursuant to an agreement with the federal centers for
14 medicare and medicaid services."

15 SECTION 7. Section 27-5-6 NMSA 1978 (being Laws 1965,
16 Chapter 234, Section 6, as amended) is amended to read:

17 "27-5-6. POWERS AND DUTIES OF COUNTIES RELATING TO
18 INDIGENT CARE.--A county:

19 A. may budget for expenditure on ambulance
20 services, burial expenses, hospital or medical expenses for
21 indigent residents of that county and for costs of
22 development of a countywide or multi county health plan. The
23 combined costs of administration and planning shall not
24 exceed the following percentages of revenues based on the
25 previous fiscal year revenues for a fund that has existed for

1 at least one fiscal year or based on projected revenues for
2 the year being budgeted for a fund that has existed for less
3 than one fiscal year. The percentage of the revenues in the
4 fund that may be used for such combined administrative and
5 planning costs is equal to the sum of the following:

6 (1) ten percent of the amount of the
7 revenues in the fund not over five hundred thousand dollars
8 (\$500,000);

9 (2) eight percent of the amount of the
10 revenues in the fund over five hundred thousand dollars
11 (\$500,000) but not over one million dollars (\$1,000,000); and

12 (3) four and one-half percent of the amount
13 of the revenues in the fund over one million dollars
14 (\$1,000,000);

15 B. may accept contributions of public funds for
16 county health care services, which shall be deposited in the
17 fund;

18 C. may hire personnel to carry out the provisions
19 of the Indigent Hospital and County Health Care Act;

20 D. shall transfer to the state by the last day of
21 March, June, September and December of each year an amount
22 equal to one-fourth of the county's payment pursuant to
23 Section 16 of this 2014 act. This money shall be deposited
24 in the safety net care pool fund;

25 E. shall, in carrying out the provisions of the

1 Indigent Hospital and County Health Care Act, comply with the
2 standards of the federal Health Insurance Portability and
3 Accountability Act of 1996;

4 F. may provide for the transfer of money from the
5 fund to the county-supported medicaid fund to meet the
6 requirements of the Statewide Health Care Act; and

7 G. may contract with ambulance providers,
8 hospitals or health care providers for the provision of
9 services for indigent patients domiciled within the county."

10 SECTION 8. Section 27-5-6.1 NMSA 1978 (being Laws 1993,
11 Chapter 321, Section 18, as amended) is amended to read:

12 "27-5-6.1. SAFETY NET CARE POOL FUND CREATED.--

13 A. The "safety net care pool fund" is created in
14 the state treasury. The safety net care pool fund, which
15 shall be administered by the department, shall consist of
16 public funds provided through intergovernmental transfers
17 from counties or other public entities and transferred from
18 counties pursuant to Section 16 of this 2014 act. Money in
19 the fund shall be invested by the state treasurer as other
20 state funds are invested. Any unexpended or unencumbered
21 balance remaining in the fund at the end of any fiscal year
22 shall not revert.

23 B. Money in the safety net care pool fund is
24 appropriated to the department to make payments to qualifying
25 hospitals. No safety net care pool fund payments or money in

1 the safety net care pool fund shall be used to supplant any
2 general fund support for the state medicaid program."

3 SECTION 9. Section 27-5-7 NMSA 1978 (being Laws 1965,
4 Chapter 234, Section 7, as amended) is amended to read:

5 "27-5-7. HEALTH CARE ASSISTANCE FUND.--

6 A. There is created in the county treasury of each
7 county a "health care assistance fund".

8 B. Collections under the levy made pursuant to the
9 Indigent Hospital and County Health Care Act and all payments
10 shall be placed into the fund, and the amount placed in the
11 fund shall be budgeted and expended only for the purposes
12 specified in the Indigent Hospital and County Health Care
13 Act, by warrant upon vouchers approved by the county.

14 Payments for indigent hospitalizations shall not be made from
15 any other county fund.

16 C. The fund shall be audited in the manner that
17 other state and county funds are audited, and all records of
18 payments and verified statements of qualification upon which
19 payments were made from the fund shall be open to the public.

20 D. Any balance remaining in the fund at the end of
21 the fiscal year shall carry over into the ensuing year, and
22 that balance shall be taken into consideration in the
23 determination of the ensuing year's budget and certification
24 of need for purposes of making a tax levy.

25 E. Money may be transferred to the fund from other

1 sources, but no transfers may be made from the fund for any
2 purpose other than those specified in the Indigent Hospital
3 and County Health Care Act."

4 SECTION 10. Section 27-5-7.1 NMSA 1978 (being Laws
5 1993, Chapter 321, Section 16, as amended) is amended to
6 read:

7 "27-5-7.1. COUNTY HEALTH CARE ASSISTANCE FUND--
8 AUTHORIZED USES OF THE FUND.--

9 A. The fund may be used to pay for:

10 (1) expenses of burial or cremation of an
11 indigent person;

12 (2) ambulance transportation, hospital care
13 and health care services for indigent patients;

14 (3) all or a portion of the monthly premiums
15 of health insurance policies for indigent patients;

16 (4) all or a portion of the out-of-pocket
17 costs, including copayments and deductibles, incurred by
18 indigent patient insureds pursuant to the terms of a health
19 insurance policy; or

20 (5) county administrative expenses
21 associated with fund expenditures authorized in Paragraphs
22 (1) through (4) of this subsection.

23 B. The fund may be used to meet a county's
24 obligation under Section 27-10-4 NMSA 1978."

25 SECTION 11. Section 27-5-9 NMSA 1978 (being Laws 1965,

1 Chapter 234, Section 9, as amended) is amended to read:

2 "27-5-9. TAX LEVIES AUTHORIZED.--

3 A. Subject to the provisions of Subsection B of
4 this section, the board of county commissioners, upon the
5 certification of the county as to the amount needed to
6 provide health care to indigent residents of the county or to
7 support the state's medicaid program, shall impose a levy
8 against the net taxable value, as that term is defined in the
9 Property Tax Code, of the property in the county sufficient
10 to raise the amount certified by the county.

11 B. The question of imposing an indigent and
12 medicaid health care levy for the purpose of the Indigent
13 Hospital and County Health Care Act shall be submitted to the
14 electors and voted upon as a separate question at the next
15 subsequent general election or any special election called
16 prior thereto for such purpose.

17 C. Upon finding by the board of county
18 commissioners that an election will be necessary, the board
19 of county commissioners shall meet and order an election to
20 be held at a designated time in the county upon the question
21 of imposing an indigent and medicaid health care levy for the
22 purpose of the Indigent Hospital and County Health Care Act
23 in the county. If the question is to be voted upon at a
24 special election, the election shall be held not less than
25 thirty nor more than fifty days after the finding, but in no

1 event shall the election be held within five days preceding
2 or succeeding any general election held in the county. The
3 order for the election shall be made a part of the official
4 minutes of the board of county commissioners. A copy of the
5 order shall be published in a newspaper of general
6 circulation in the county at least fifteen days before the
7 date set for the election, and an affidavit of publication
8 shall be obtained. At least five days prior to the date for
9 holding the election, the board of county commissioners shall
10 publish in a newspaper of general circulation in the county
11 and post in five conspicuous places in the county a notice of
12 election, which shall be in substantially the following form:

13 "NOTICE OF ELECTION ON SPECIAL INDIGENT

14 AND MEDICAID HEALTH CARE LEVY

15 Notice is given on the _____ day of
16 _____, 20____, there will be held in
17 _____ county of New Mexico an election
18 on the question of imposing an indigent and medicaid health
19 care levy to provide health care to indigent residents of the
20 county or to support the state's medicaid program, such levy
21 to be made annually against the taxable value of the property
22 in the county and limited to an amount sufficient to provide
23 funds necessary to support the state's medicaid program or to
24 provide health care to indigent residents of the county who
25 do not qualify for medicaid.

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Official Title of the Authority".

The election shall be held on the date specified in the notice and shall be, if a special election, conducted and canvassed in substantially the same manner as general elections are conducted and canvassed in the county; provided that the ballot used in any election shall be a special and separate ballot and shall be in substantially the following form:

"BALLOT

On the question of imposing an indigent and medicaid health care levy for the purposes of the Indigent Hospital and County Health Care Act, such levy to be made annually against the taxable value of the property in _____ county of New Mexico, and limited to an amount sufficient to provide funds budgeted and certified as necessary for health care for indigent residents of the county in addition to those services provided by the state or to support the state's medicaid program:

FOR THE LEVY..... _____
AGAINST THE LEVY..... _____".

D. If the electors vote in favor of an indigent and medicaid health care levy, the levy shall become effective in the same manner prescribed by law for all levies upon property within that county, and a levy for those

1 purposes in such an amount as will provide sufficient money
2 for the fund shall be made for each year thereafter.

3 E. Any board of county commissioners that has,
4 prior to the effective date of this section, made a valid
5 imposition of a property tax for the purpose of the Indigent
6 Hospital and County Health Care Act shall not be required to
7 hold an election on the existing tax, and that tax may be
8 imposed and continue to be imposed in accordance with the
9 provisions of law existing at the time of its imposition.
10 However, if any such tax is not imposed in a given property
11 tax year or if the authorization for its imposition
12 terminates or expires, the election requirements of
13 Subsections B and C of this section shall apply to any
14 subsequent proposed imposition of a property tax for indigent
15 health care for county residents or to support the state's
16 medicaid program."

17 SECTION 12. Section 27-5-11 NMSA 1978 (being Laws 1965,
18 Chapter 234, Section 12, as amended) is amended to read:

19 "27-5-11. QUALIFYING HOSPITAL DUTIES AND REPORTING.--

20 A. A qualifying hospital shall accept every
21 indigent patient who seeks health care services from the
22 qualifying hospital.

23 B. Qualifying hospitals shall:

24 (1) provide financial counseling to patients
25 about their hospital bills;

1 (2) have written financial assistance
2 policies consistent with this section that are publicized and
3 consistently applied; and

4 (3) make reasonable efforts to determine
5 whether patients are eligible for financial assistance before
6 initiating collections actions.

7 C. No action for collection of claims shall be
8 allowed against an indigent patient with a household income
9 under two hundred percent of the federal poverty level.

10 D. Within thirty days of receiving a payment from
11 the safety net care pool fund, a qualifying hospital shall
12 report the amount of such payment to the county within which
13 it is located.

14 E. In addition to the report required in
15 Subsection D of this section, a qualifying hospital shall
16 annually report to the county within which it is located the
17 total costs of health care services provided in the previous
18 calendar year."

19 SECTION 13. Section 27-5-12 NMSA 1978 (being Laws 1965,
20 Chapter 234, Section 13, as amended) is amended to read:

21 "27-5-12. PAYMENT OF CLAIMS.--

22 A. A hospital, ambulance service or health care
23 provider filing a claim with the county shall:

24 (1) file the claim with the county in which
25 the indigent patient is domiciled;

1 (2) file the claim for each patient
2 separately, with an itemized detail of the total cost; and

3 (3) file with the claim a verified statement
4 of qualification for ambulance service, indigent hospital
5 care or care from a health care provider signed by the
6 patient or by the parent or person having custody of the
7 patient to the effect that the patient qualifies under the
8 provisions of the Indigent Hospital and County Health Care
9 Act as an indigent patient and is unable to pay the cost for
10 the care administered and listing all assets owned by the
11 patient or any person legally responsible for the patient's
12 care. The statement shall constitute an oath of the person
13 signing it, and any false statements in the statement made
14 knowingly constitute a felony.

15 B. A hospital, ambulance service or health care
16 provider that has contracted with a county for provision of
17 health care services shall provide evidence of health care
18 services rendered for payment for services in accordance with
19 the procedures specified in the contract."

20 SECTION 14. Section 27-5-12.1 NMSA 1978 (being Laws
21 1979, Chapter 146, Section 3, as amended) is amended to read:

22 "27-5-12.1. APPEAL.--Any hospital or ambulance service
23 aggrieved by any decision of the county may appeal to the
24 district court pursuant to the provisions of Section 39-3-1.1
25 NMSA 1978."

1 SECTION 15. Section 27-5-16 NMSA 1978 (being Laws 1965,
2 Chapter 234, Section 16, as amended) is amended to read:

3 "27-5-16. DEPARTMENT--PAYMENTS--COOPERATION--
4 REPORTING.--

5 A. The department shall not decrease the amount of
6 any assistance payments made to the hospitals or health care
7 providers of this state pursuant to law because of any
8 financial reimbursement made to ambulance services, hospitals
9 or health care providers for indigent or medicaid eligible
10 patients as provided in the Indigent Hospital and County
11 Health Care Act.

12 B. The department shall cooperate with each county
13 in furnishing information or assisting in the investigation
14 of any person to determine whether the person meets the
15 qualifications of an indigent patient as defined in the
16 Indigent Hospital and County Health Care Act.

17 C. The department shall provide an annual report
18 to each county and each qualifying hospital on the previous
19 calendar year's payments from the safety net care pool fund
20 for uncompensated care to qualifying hospitals and estimated
21 payments of enhanced medicaid base rates. The annual report
22 for the previous year shall be provided by July 1 of the
23 succeeding year."

24 SECTION 16. A new section of the Indigent Hospital and
25 County Health Care Act is enacted to read:

1 "TRANSFER TO SAFETY NET CARE POOL FUND.--

2 A. A county shall, by ordinance to be effective
3 July 1, 2014 through June 30, 2017, dedicate to the safety net
4 care pool fund an amount equal to a gross receipts tax rate of
5 one-twelfth percent applied to the taxable gross receipts
6 reported during the prior fiscal year by persons engaging in
7 business in the county. For purposes of this subsection, a
8 county may use public funds from any existing authorized
9 revenue source of the county.

10 B. A county enacting an ordinance pursuant to
11 Subsection A of this section shall transfer to the safety net
12 care pool fund by the last day of March, June, September and
13 December of each year an amount equal to one-fourth of the
14 county's payment to the safety net care pool fund."

15 SECTION 17. Section 27-10-3 NMSA 1978 (being Laws 1991,
16 Chapter 212, Section 3, as amended) is amended to read:

17 "27-10-3. COUNTY-SUPPORTED MEDICAID FUND
18 CREATED--USE--APPROPRIATION BY THE LEGISLATURE.--

19 A. There is created in the state treasury the
20 "county-supported medicaid fund". The fund shall be invested
21 by the state treasurer as other state funds are invested.
22 Income earned from investment of the fund shall be credited to
23 the county-supported medicaid fund. The fund shall not revert
24 in any fiscal year.

25 B. Money in the county-supported medicaid fund is

1 subject to appropriation by the legislature to support the
2 state medicaid program and to institute or support primary
3 care health care services pursuant to Subsections D and E of
4 Section 24-1A-3.1 NMSA 1978. Of the amount appropriated each
5 year, nine percent shall be appropriated to the department of
6 health to institute or support primary care health care
7 services pursuant to Subsections D and E of Section 24-1A-3.1
8 NMSA 1978.

9 C. Up to three percent of the county-supported
10 medicaid fund each year may be expended for administrative
11 costs related to medicaid or developing new primary care
12 health care centers or facilities.

13 D. In the event federal funds for medicaid are not
14 received by New Mexico for any eighteen-month period, the
15 unencumbered balance remaining in the county-supported
16 medicaid fund and the safety net care pool fund at the end of
17 the fiscal year following the end of any eighteen-month period
18 shall be paid within a reasonable time to each county for
19 deposit in the county health care assistance fund in
20 proportion to the payments made by each county through tax
21 revenues or transfers in the previous fiscal year as certified
22 by the local government division of the department of finance
23 and administration. The department will provide for budgeting
24 and accounting of payments to the fund."

25 SECTION 18. TEMPORARY PROVISION--TRANSFER OF REFERENCES

1 OF LAW.--

2 A. On and after July 1, 2014, references in law to
3 a sole community provider hospital shall be deemed to be
4 references to a qualifying hospital pursuant to the Indigent
5 Hospital and County Health Care Act.

6 B. On and after July 1, 2014, references in law to
7 a county indigent hospital claims fund shall be deemed to be
8 references to a county health care assistance fund.

9 SECTION 19. TEMPORARY PROVISION--TRANSFER OF MONEY.--

10 A. On the effective date of this act, all money in
11 the sole community provider fund shall be transferred to the
12 safety net care pool fund.

13 B. On the effective date of this act, all money in
14 a county's indigent hospital claims fund shall be transferred
15 to the county's health care assistance fund.

16 SECTION 20. TEMPORARY PROVISION--TAX LEVIED PURSUANT TO
17 SECTION 27-5-9 NMSA 1978 PRIOR TO EFFECTIVE DATE OF ACT.--A
18 tax levied pursuant to Section 27-5-9 NMSA 1978 prior to
19 January 1, 2014 shall remain in effect until the tax expires
20 or is terminated.

21 SECTION 21. TEMPORARY PROVISION.--The Human Services
22 department is directed to seek funds and use its BAR authority
23 to fully fund the safety net care pool fund.

24 SECTION 22. REPEAL.--Sections 27-5-5, 27-5-8, 27-5-10,
25 27-5-12.2, 27-5-13, 27-5-14, 27-5-15 and 27-5-18 NMSA 1978

1 (being Laws 1965, Chapter 234, Sections 5, 8 and 11, Laws
2 1993, Chapter 321, Section 15, Laws 1965, Chapter 234,
3 Sections 14 and 15, Laws 1971, Chapter 72, Section 2 and
4 Laws 1965, Chapter 234, Section 20, as amended) are repealed.

5 SECTION 23. EMERGENCY.--It is necessary for the public
6 peace, health and safety that this act take effect
7 immediately. _____

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