

New Mexico

I. Indigent Hospital and County Health Care Act¹

The Indigent Hospital and Health Care Act firmly establishes that individual counties are the responsible agencies in New Mexico for the health care, hospitalization, and ambulance transportation of indigent patients domiciled in that county for at least three months.² The county board of commissioners has the authority to reduce the residency requirements below three months, but not to increase them to more than three months.³ Each county must also establish a program whereby health care providers are reimbursed for services rendered to indigent patients.⁴ No payments under this program will be made if the claimed services are eligible for reimbursement by Medicaid.⁵

New Mexico takes a slightly novel approach to defining the “indigent patient.” According to state law, an “indigent patient” is defined as a person normally able to support himself or herself and any dependents by virtue of income and liquid assets, but who is unable to pay for health services rendered after taking into consideration present income and liquid assets as well as the person’s “requirement for other necessities of life for himself and his dependents.”⁶ For counties that desire a simpler standard, the statute authorizes each county board of commissioners to set income guidelines for eligibility that disqualifies any patients with household incomes greater than 150% of the per capita personal income for New Mexico as determined by the United States Department of Commerce.⁷ For minors, the test is applied to the income of the minor’s parent or guardian.⁸

Each county must create a “county indigent hospital claims fund.”⁹ Revenues for this fund come from county property tax levies authorized by the state government.¹⁰ This fund may be used “to pay all claims that have been approved by the board that are not matched with federal funds under the state medicaid

¹ §§ 27-5-1 to 27-5-18 NMSA 1978

² § 27-5-2 N.M.S.A. 1978 (1995 Repl.)

³ § 27-5-2 N.M.S.A. 1978 (1995 Repl.)

⁴ § 27-5-2 N.M.S.A. 1978 (1995 Repl.)

⁵ § 27-5-3 N.M.S.A. 1978 (1995 Repl.)

⁶ § 27-5-4 (C) N.M.S.A. 1978 (1995 Repl.)

⁷ § 27-5-4 (C) N.M.S.A. 1978 (1995 Repl.)

⁸ § 27-5-4 (C) N.M.S.A. 1978 (1995 Repl.)

⁹ § 27-5-7 N.M.S.A. 1978 (1995 Repl.)

¹⁰ § 27-5-9 N.M.S.A. 1978 (1995 Repl.)

program.”¹¹

Every year, each county must file a report on indigent health care with the local government division of the state Department of Finance and Administration.¹² The report contains, among other things, information regarding the county’s eligibility criteria for indigent patients, services provided to indigent patients, and restrictions on services provided to indigent patients.¹³

II. Indigent Catastrophic Illness Hospital Funding Act¹⁴

In 1990, the New Mexico legislature passed the Indigent Catastrophic Illness Hospital Funding Act, which seeks to minimize the harsh impact of large hospital bills incurred by persons with catastrophic illnesses. To be eligible for the program, the patient must be a New Mexico resident who is not eligible for Medicaid or Medicare and whose family income does not exceed 250 percent of the federal poverty level.¹⁵

The law establishes the “indigent catastrophic illness hospital fund” in the state treasury.¹⁶ The funds, however, are not distributed to individuals. Instead, any available funds are appropriated to the Human Services Department so that hospitals may be reimbursed for charges incurred by medically indigent patients.¹⁷ For a hospital to be eligible for reimbursement, it must have annual gross charges for Medicaid, Medicare and indigent patient care in excess of ten percent of the hospital’s total annual gross charges.¹⁸

Each year, a hospital must submit claims for reimbursement of hospital costs incurred in the twelve months preceding the April 1 deadline. Among other requirements, the hospital charge for each claimed patient must exceed \$5,000.¹⁹ The hospital may charge the medically indigent patient a deductible that is based on human services department rules and regulations that take into account the indigent patient’s

¹¹ § 27-5-7.1 N.M.S.A. 1978 (1995 Repl.)

¹² § 27-5-5.1 N.M.S.A. 1978 (1995 Repl.)

¹³ § 27-5-5.1 N.M.S.A. 1978 (1995 Repl.)

¹⁴ §§ 27-2-41 to 27-2-47 NMSA 1978

¹⁵ § 27-2-43 (D) N.M.S.A. 1978 (1995 Repl.)

¹⁶ § 27-2-44 N.M.S.A. 1978 (1995 Repl.)

¹⁷ § 27-2-44 N.M.S.A. 1978 (1995 Repl.)

¹⁸ § 27-2-43 (C) N.M.S.A. 1978 (1995 Repl.)

¹⁹ § 27-2-45 (B)(1) N.M.S.A. 1978 (1995 Repl.)

family size, income and obligations.²⁰

III. Special Medical Needs Act²¹

This program, administered by the Income Support Division of the Human Services Department, provides essential medical care for aged, blind or disabled persons who are not otherwise eligible for public assistance and have “a serious medical condition that which will as a reasonable medical probability lead to death in the near future.”²² Aged persons are those over the age of sixty-five who do not have a spouse financially able to furnish support.²³ Disabled persons must be eighteen years of age or older, and have a disability that is permanent and total as defined by the human services department. Blind persons must also meet the definition of “blind” as established by the income support division of the human services department.²⁴

To qualify for assistance, an individual must also meet income and resource limits set by the department, be a resident of New Mexico, and meet strict requirements on transfers of assets prior to application for assistance.²⁵

IV. Immunizations

Immunization of children against certain harmful diseases is required for all children attending any kind of school in New Mexico, including home schools.²⁶ If the child’s parents are unable to pay for the cost of immunization, then the health services division of the health and environment department will provide the immunization at no charge.²⁷

V. Hemophilia

The Theodore R. Montoya Memorial Hemophilia Act created a special fund in the state treasury to be

²⁰ § 27-2-46 N.M.S.A. 1978 (1995 Repl.)

²¹ §§ 27-4-1 to 27-4-5 NMSA 1978

²² § 27-4-3 N.M.S.A. 1978 (1995 Repl.)

²³ § 27-4-2 N.M.S.A. 1978 (1995 Repl.)

²⁴ § 27-4-2 N.M.S.A. 1978 (1995 Repl.)

²⁵ § 27-4-5 N.M.S.A. 1978 (1995 Repl.)

²⁶ § 24-5-2 N.M.S.A. 1978 (1994 Repl.)

²⁷ § 24-5-5 N.M.S.A. 1978 (1994 Repl.)

used by the University of New Mexico to provide hemophilia services to eligible patients.²⁸ The fund helps pay for clinical evaluation, the costs of blood products, and the university's hemophilia program services.²⁹

VI. Family Planning Act³⁰

New Mexico passed this law to ensure that comprehensive family planning services are available to anyone who needs them.³¹ One of law's provisions requires any family planning program that is operated by the state or is in any way publicly funded to provide free family planning services when the service consists only of information about family planning.³² Such programs may charge for other services based on the client's ability to pay, with free services rendered to all who have insufficient funds to pay for the services.³³

VII. Hospital Funding Act³⁴

The main purpose of this act is to encourage counties to provide adequate health care facilities for their residents.³⁵ To that end, the law bestows upon county governments a wide array of powers that facilitate the provision of health care services to county residents, such as the power to purchase, own, and manage hospitals; purchase land to construct hospitals; control and regulate hospitals; impose a tax levy; and charge fees for hospital services.³⁶ With regard to the indigent sick, the law provides merely that the counties may "make agreements with state or county agencies or other agencies for the care of sick and indigent persons."³⁷

²⁸ § 24-2A-1 et. seq. N.M.S.A. 1978 (1994 Repl.)

²⁹ § 24-2A-3 N.M.S.A. 1978 (1994 Repl.)

³⁰ §§ 24-8-1 to 24-8-8 NMSA 1978

³¹ § 24-8-3 N.M.S.A. 1978 (1994 Repl.)

³² § 24-8-7 (A) N.M.S.A. 1978 (1994 Repl.)

³³ § 24-8-7 (B) N.M.S.A. 1978 (1994 Repl.)

³⁴ §§ 4-48B-1 to 4-48B-29 NMSA 1978

³⁵ § 4-48B-2 N.M.S.A. 1978 (1992 Repl.)

³⁶ § 4-48B-5 N.M.S.A. 1978 (1992 Repl.)

³⁷ § 4-48B-8 N.M.S.A. 1978 (1992 Repl.)