Indigent Hospital and County Health Care Act

New Mexico Statutes Annotated
Section 27-5-1 et seq.
Indigent

Adjective: “Experiencing want or need; impoverished.”  Noun: “A needy or destitute person.”  

Indigent NMSA § 27-5-1 et seq.

- Can normally support self and dependent on present income and **liquid** assets NMSA § 27-5-4C
- Unable to pay cost of ambulance transportation, medical care, or both NMSA § 27-5-4C
- Resident requirement (NTE 3 months) NMSA § 27-5-2A
- [hospital may not be paid from “fund” if person eligible for medicaid reimbursement] NMSA § 27-5-3A
Statutory Construction
Three Rules

• Plain language of a statute is the primary indicator of legislative intent

• Persuasive weight is given to long-standing administrative construction by agency charged with administering statute

• Where several sections of statute are involved, they must be read together so that all parts are given effect  
  
Indigent Health Care Report
NMSA § 27-5-5.1

- Annual report to New Mexico Health Policy Commission – October 1st on specified form
- Contents: eligibility criteria, services provided to indigent patients, restrictions on services, conditions for reimbursement to providers, revenue sources, and other related information as determined by commission
Powers/Duties of Board  
NMSA § 27-5-6

• Seventeen listed in paragraphs A through Q  
• Shall administer claims pursuant to Indigent Hospital and County Health Care Act  
• Shall review all claims to determine if in compliance with rules adopted by board, if patient is indigent, and allowable costs  
• Shall determine which HCP may be paid with indigent funds
Powers/Duties of Board (cont’d)
NMSA § 27-5-6

• May contract with ambulance providers, hospitals, or health care providers for the provision of health care services.
Sole Community Provider Fund

NMSA § 27-5-6.1

• Administered by State of New Mexico Human Services Department
• Consists of funds provided by counties to match federal funds for medicaid SCP hospital
• Doña Ana County currently forwards the 2d and 3d one-eighth GRT (Fund 25145)
Sole Community Provider Program
New Mexico Health Policy Commission “Defining Uncompensated Care; Printed November 2007

• Promote access to Medicaid and Medicare patients  
  \( \text{id, page 7} \)

• Provide additional payments to SCP that experience volume problems but whose access is critical to local residents  
  \( \text{id, page 7} \)

• Not restricted to indigent

• Uncompensated care  
  \( \text{id, page 7} \)
Doña Ana County

- One Ambulance Provider
  - AMR

- Other HCP
  - Medical Services
  - Dental Services
  - Obstetrics
  - Women’s Health

- Two Sole Community Providers
  - Memorial Medical Center
  - Mountain View
Plan

• Develop criteria for indigency
  – Residency
    • Documentation
    • Attestation
  – Proof of income and liquid assets
    • Documentation
    • Attestation
Plan (cont’d)

• Enter into contracts with all HCP
  – Defining indigency
  – Defining adequate documentation
  – Defining disqualifying acts/omissions
  – Defining time terms of eligibility (fiscal year or annual)
  – Defining HCP’s burden of proof
Plan (cont’d)

– State consequences of failing to satisfy terms of “attestation agreement”