



**COUNTY OF TAOS
RESOLUTION NO. 2013-45**

**A RESOLUTION AMENDING AND REPEALING RESOLUTION 2012-22 AND
ESTABLISHING RULES AND REGULATIONS FOR THE
TAOS COUNTY INDIGENT FUND CLAIMS PROGRAM**

WHEREAS, Section 27-5-1, et seq. N.M.S.A., 1978, as amended, governs the financial reimbursement of eligible hospital or ambulance providers who submit claims on behalf of Taos County indigent residents; and

WHEREAS, the Taos County Indigent Hospital Claims Advisory Board, which is composed of the members of the Taos County Board of Commissioners, is responsible for administering and operating an indigent hospital claims program for Taos County; and

WHEREAS, the Taos County Indigent Hospital Claims Advisory Board, hereinafter referred to as “Board”, desires to define its policy by adopting regulations, rules and procedures governing the financial reimbursement to eligible hospital or ambulance providers.

NOW, THEREFORE, BE IT RESOLVED that the Board, at a duly convened regular meeting hereby adopts and promulgates the following rules and regulations:

PURPOSE

To provide financial assistance to all eligible Taos County residents for costs incurred while confined to any general or limited hospital licensed by the Health and Environment Department, whether non-profit or owned by the state or a political subdivision, including licensed ambulances, some out-of-state hospitals, and other health care providers contracted by Taos County, provided they qualify under the Indigent Hospital Claims Act and the Rules and Regulations set forth by the Taos County Board of Commissioners. The policy and regulations set forth herein shall be administered by the Indigent Hospital Claims Office (IHC) located in the Taos County Administration Building, 105 Albright Street Taos, New Mexico 87571.

RULES AND REGULATIONS

I. ELIGIBILITY CRITERIA

A. WHO CAN APPLY?

1. The applicant will be the patient, the patient’s spouse, the patient’s parent or guardian if the patient is a minor, or the guarantor of the hospital bill. In the event of the death of the patient, the executor or relative of the deceased, if any, will be the applicant. The applicant for the deceased may be the person responsible for the hospital bill or may be any interested party providing information on behalf of the deceased.

2. Applications will not be accepted by the IHC staff prior to the hospitalization of the indigent patient.
3. Appointments for interviews by the IHC staff may be made if the date of hospitalization is definite and as long as the interview will take place after the hospitalization.
4. Adult and juvenile inmates/detainees of the Taos County Detention Center are presumed to be indigent and therefore will be eligible claimants under this resolution if they do not qualify for other insurance. At the request of the Indigent Fund Coordinator, Detention Center personnel will submit to IHC a copy of the Arrest/Booking Record verifying the detention date(s).

B. THE APPLICANT MUST BE MEDICALLY INDIGENT

1. "Indigent Patient" means a person to whom an ambulance service or a hospital has provided medical care or ambulance transportation and who can normally support himself and his dependents on present income and liquid assets and other household assets available to him but, taking into consideration his income and those assets and his requirements for other necessities of life for himself and his dependents, is unable to pay the costs of ambulance transportation or medical care administered or both. The term "indigent patient" includes a minor who has received medical care, ambulance transportation or both and whose parent(s) or person having his or her custody who is legally obligated to pay said minor's medical expenses would qualify as an indigent patient pursuant to the above definition.
2. "Other Household Assets" include mineral interests, water rights, interest in real property, excluding primary home, checking or savings, certificates of deposit, savings bonds, stocks, corporate/government bonds, mutual funds, investment securities, except those held in a retirement account under Section 410(K). For persons to qualify as an indigent patient, their liquid assets and other household assets may not exceed \$10,000 for a single person and \$20,000 for a family.

C. RESIDENCY

1. The indigent patient must have been domiciled in Taos County continuously for not less than three (3) months prior to the date of ambulance service or hospitalization.
2. Taos County residents that are attending college, are temporarily employed, or are at job training residing out of Taos County, with the intent to return, will be considered for payment based on the evidence presented to the Board, such as correspondence, employer's statements, utility bills, proof of enrollment in school or any other means, by which intent may be weighed. The burden of proof to establish indigency will be on the indigent patient.
3. "Domiciled" is defined as being physically present within the County of Taos within the three (3) month period with the concurrent intention to make the County of Taos one's permanent residence and home. If the applicant has not been continuously physically present within the County for the three (3) month period, the applicant may still meet the definition of being a domiciliary of the County if the applicant is able to establish that the applicant undeniably has an attachment to the County through his or her established

residence here, and his intent to return to the County if in fact he has been temporarily absent.

D. INCOME

1. The Board hereby further resolves that, in order to be eligible, the applicant and/or patient's gross annual income together with spouse's or partner's income cannot exceed an amount in which is fifty percent (50%) greater than the per capita personal income for New Mexico as shown for the most recent year as published by the United States Department of Commerce. A single person's income, who is not a head of household, cannot exceed an amount equal to the per capita personal income for New Mexico as shown for the most recent year as published by the United States Department of Commerce. Self-employed individuals will be considered on a case by case basis.

E. OTHER ASSISTANCE

1. The IHC staff and the hospital and/or ambulance service shall notify each other if the indigent patient is eligible under other public or private assistance or has a liability claim.
2. If there is a liability claim pending such as workman's compensation, a lawsuit due to bodily injury or other third party claim, the Board will request that the hospital provide it with information detailing the outcome of such liability claim.
3. All hospital or ambulance services shall reimburse the IHC Board for any payments received from any insurance company whether it be workman's compensation or general liability or any payment as a result of any legal action taken.
4. In cases involving other assistance or liability claim, the IHC Office will complete the verification process. If the indigent patient is found eligible for possible assistance, the IHC will await placing the claim on the Agenda for the Board approval until the hospital notifies the IHC on the outcome of the claim for payment from other assistance or liability claim. The IHC will then submit the claim for Board action.
5. The IHC Fund is not intended to serve as reimbursement to the patient/guarantor for payment previously made to the hospital. The IHC Fund is also not intended to replace any program, public or private, but to supplement them when necessary if the eligibility requirements are met as a means of meeting the hospital or ambulance cost of the indigent patient.

II. PROCEDURE FOR FILING CLAIMS

- A. Claims should be filed by the hospital or ambulance service where such provider is situated within Taos County. All other claims should be filed by the applicant with the Taos County Indigent Fund Office located at the Taos County Administration Building, 105 Albright Street Taos, New Mexico 87571.

- B. Claims shall be filed separately for each patient with itemized detail of costs.
- C. Accompanying each claim shall be an Indigent Fund Health Care Application and a verified statement of qualification signed by the patient or guardian or, if the patient is a minor, by the parent or person having his or her custody. The application and verified statement shall state that the patient qualifies under the provisions of the Act as an indigent patient and is unable to pay the cost of the care administered and it shall list all assets owned by the patient or by any persons legally responsible for his or her care, and all income received during the preceding calendar year or twelve (12) month period. The application and verified statement shall constitute an oath of the person signing it, and any false statement made knowingly in the application and verified statement shall constitute a felony. Applications and verified statements are valid for one (1) year, provided that each claim submitted after the initial claim is accompanied by a sworn statement declaring that the information provided in the initial application and verified statement has not changed.
- D. The initial claim must be filed within six (6) months following the completion of the hospital care. At the discretion of the Board, such six (6) month requirement may be extended an additional ninety (90) days if documentation is provided justifying that the claim was submitted after the six (6) months due to circumstances beyond the control of the claimant.
- E. Before a claim will be considered for payment, the hospital, health care provider, funeral home and/or ambulance service must furnish the Board with the following data and financial information:
 - a. Completion of a Taos County Indigent Hospital/Ambulance/Burial/Health Care Provider statement along with an itemized billing verifying the services rendered.
 - b. Proof that such non-profit hospital, health care provider, funeral home or ambulance service is licensed under the laws of the State.
 - c. Vendor/Taxpayer Information sufficient for certification by IHC.
- F. Only actual non-profit hospital or ambulance costs in the State of New Mexico will be considered for payment. An out-of-state hospital must be located within 100 miles of Taos County to be eligible for consideration of a claim. Costs shall be determined in accordance with the statutory formula as set forth in Paragraph III below.

III. PAYMENT OF CLAIMS

- A. In-Patient Claims: Payments to healthcare providers will be paid at the Diagnostic Related Group (DRG) reimbursement rate.
- B. Out-Patient claims: Payments to healthcare providers will be paid at the Medicaid fee-for-service reimbursement rate. Claims for outpatient services less than \$200.00 will not be considered for payment. Individual out-patient service claims of less than \$200.00 cannot be combined to exceed the \$200.00 limitation.
- C. The actual amount of claims per person may not exceed \$20,000.00 in any fiscal year. Under extraordinary circumstances, and if sufficient funds are available, the Board may approve an exception to this payment limit.
- D. Ambulance claims will be paid at the New Mexico Statewide Ambulance Tariff, Docket No. 08-00060-TR-R, or as otherwise amended.

- E. Childbirth costs will be paid up to the \$20,000.00 cap based upon the payment schedule listed on Item A above. Such payments shall be limited to two (2) such admissions for any one indigent person during her lifetime.
- F. Hospitalization claims for alcohol or drug abuse treatment is limited to \$20,000.00 of inpatient or outpatient treatment per patient's lifetime. Payment shall not exceed thirty (30) days of hospitalization care or service, unless a showing for good cause can be made to the Board as to the additional treatment and, in its discretion, the Board approves such additional payment.
- G. Medicare Deductibles, Insurance Deductibles and Co-Insurances. In cases where a patient is eligible for Medicare or Health Insurance, Medicare/Insurance Deductibles and/or their Co-Insurances will be paid at 100%.
- H. Unclaimed Burial Claims. To the extent that a deceased person is unclaimed, the burial or cremation expenses shall be paid by the County's Indigent Hospital Claims Fund in an amount not to exceed six hundred dollars (\$600.00) for the burial or cremation of any adult or minor as provided in Section 24-13-3, NMSA 1978. Burial or cremation of unclaimed deceased persons will alternate among funeral homes within Taos County.
- I. Claims which are approved shall be paid in accordance with the following priorities: Whenever the balance of the fund is inadequate to pay all qualified claims as they come due, the claims of in-state hospitals providing acute medical care shall have priority for payment over all other claims regardless of the dates the other claims were submitted (See N.M.S.A. 1978 Comp. Section 27-5-13, Indigent Claims Act).
- J. To the extent authorized by the Indigent Claims Act, the payment of any claim on behalf of an indigent patient creates a preferred claim in favor of the County against the estate of the indigent patient and a lien against all real property or interest in real property vested in or later acquired by the indigent patient or any person legally responsible for his debts for the amount of the payment made, without interest. Proceeds recovered from such claims shall be placed into the fund. (See N.M.S.A. 1978 Comp. Section 27-5-14, Indigent Claims Act).
- K. Payment for prescription medication associated with covered medical care is limited to generic or equivalent medication, if available, prescribed by the healthcare provider that is either contracted by Taos County or included on the actual hospital/ambulance/health care provider billing for those services provided for in this Resolution, as amended.

IV. OTHER EXCLUSIONS

- A. Claims for reimbursement under the provisions of the Act will be excluded if the injury requiring hospitalization or ambulance service is the result of any conduct or activity which constitutes criminal conduct. If there are any questions on this issue, any payment will await the final determination by the District Attorney of any potential criminal charge.
- B. Elective surgery will not be considered for payment.

- C. The Indigent Fund does not pay doctors (physicians), dentists, radiologists, anesthesia or prescriptions, unless included in the actual hospital, health care provider and ambulance billing, not billed separately by another Provider.
- D. The Board shall not pay any costs when the patient has been determined by the Human Services Department to be eligible for medical assistance from that department.

V. REQUEST FOR RECONSIDERATION OF A DENIED CLAIM

If an Applicant has been denied Taos County Indigent Fund assistance, the Applicant must submit a letter to the IHC Office within fifteen (15) days of receipt of the decision explaining why the application should be reconsidered. The Board will consider the request for reconsideration and will notify the Applicant of its decision in writing within thirty (30) days.

VI. RIGHTS AND DUTIES OF PROVIDERS

- A. Providers shall comply with the standards of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996, when applicable.
- B. The Provider must provide proof that it is licensed under the laws of this State or any State or other governmental entity in which the health care provider operates.
- C. The Provider staff will verify the applications by gathering documentation for the information given on the application form. All claims will be submitted to the IHC Staff for review and determination of eligibility.
- D. The amount(s) approved for payment from the IHC Funds shall be accepted and deemed by the Provider as payment in full. Any collection action by the Provider or its Agent against the patient for any portion of the bill not covered by IHC Funds is strictly prohibited.

VII. IHC STAFF RESPONSIBILITIES AND CONFIDENTIALITY

- A. The IHC Staff shall comply with the standards of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996, when applicable.
- B. The IHC Staff will retain computerized case records for a period of not less than five (5) years.
- C. The IHC Staff will request from the Finance Department a warrant for payment of approved claims on a monthly basis.

CONCLUSION

Completion of the application and declaration statement is the first step in the determination of eligibility to receive assistance from the Taos County Indigent Hospital Claims Board. Applications can be obtained from the Taos County Indigent Fund Office located at the Taos County Administration Building, 105 Albright Street Taos, New Mexico 87571, the Taos County website, taoscounty.org, and Holy Cross Hospital, 1397 Weimer Road, Taos, New Mexico 87571. Office hours are from 8:00 a.m. to 5:00 p.m., Monday thru Friday, closed through the noon hour.

The application and verified statement must be filed by the applicant with the agency providing the care. Following completion of the application, an itemized claim and declaration of indigence is requested from the agency providing the care. When the itemized claim is received from the hospital, ambulance provider, health care provider or funeral home, the IHC Staff will review and verify that all information is contained in the application. The applicant may be required to provide additional information and/or documents to determine eligibility. The IHC Staff will notify the applicant if additional information is needed. Failure to cooperate with the investigation may be grounds for denial.

When the investigation and verification of all information is complete, a list of claim(s) identifying each patient by a numbering system and setting forth how each patient qualified under the income eligibility requirements, as well as the amount(s) claimed, will be presented to the Board at a regularly scheduled meeting for its review and disposition. The applicant will be notified promptly by mail of the Board's decision. The Taos County Board of Commissioners may, from time to time, amend, delete, or otherwise change the provisions contained herein. Any such changes, deletions or amendments are to be given the same full force and effect as if set out in this resolution. If there are any discrepancies between any subsequent changes, deletions, amendments and this resolution, the last to be implemented shall control.

BE IT FURTHER RESOLVED that this Resolution shall be recorded upon adoption and shall become effective on September 4, 2013 at which time Taos County Resolution No. 2012-24 and any other past rules and regulations pertaining to the Taos County Indigent Hospital Claims Board are repealed.

PASSED ADOPTED AND APPROVED THIS 4th DAY OF SEPTEMBER, 2013.

THE BOARD OF TAOS
COUNTY COMMISSIONERS

Daniel R. Barrone, Chairman

Approved as to legal form:

Gabriel J. Romero Vice-Chairman

Robert J. Malone, County Attorney

Larry Sanchez, Commissioner

Attest:

Tom Blankenhorn, Commissioner

Anna Martinez, County Clerk

Joe Mike Duran, Commissioner

Vote Record:				
D. Barrone	Yes	No	Abstain	Absent
G. Romero	Yes	No	Abstain	Absent
L. Sanchez	Yes	No	Abstain	Absent
T. Blankenhorn	Yes	No	Abstain	Absent
J.M. Duran	Yes	No	Abstain	Absent