

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY
RESOLUTION NO. 2016 - 70**

**A RESOLUTION
AUTHORIZING BUDGETING AND EXPENDITURE OF THE
SANTA FE COUNTY HEALTH CARE ASSISTANCE FUND FOR
INDIGENT PATIENTS AND PERSONS RESIDING AT SANTA
FE COUNTY DETENTION FACILITIES**

WHEREAS, the Indigent Hospital and County Health Care Act (“Act”), NMSA 1978, Chapter 27, Article 5 (1965, as amended through 2014), recognizes among other things “that each individual county of this state is the responsible agency for ambulance transportation, hospital care or the provision of health care to indigent patients domiciled in that county, as determined by resolution of the board of county commissioners”; and

WHEREAS, the Santa Fe County Health Care Assistance Fund (“Fund”) has been established pursuant to Section 27-5-7 of the Act; and

WHEREAS, under Section 27-5-7.1 of the Act, the Fund may be used to pay expenses associated with the “burial or cremation of an indigent person,” “ambulance transportation, hospital care and health care services for indigent patients,” and “county administrative expenses associated with [the forgoing] fund expenditures ...”; and

WHEREAS, the Act authorizes a county to “hire personnel to carry out the provisions of the [Act]” (Section 27-5-6(C)) as well as to “contract with ambulance providers, hospitals or health care providers for the provision of services for indigent patients domiciled within the county” (Section 27-5-6(G)); and

WHEREAS, pursuant to the Act, the Board of County Commissioners (“Board”) for Santa Fe County (“County”) passed Resolution No. 2014-47 expressly authorizing and limiting how the County will generally budget and expend the Fund; and

WHEREAS, pursuant to Resolution No. 2014-47, the Board passed Resolution No. 2015-82 adopting Procedures for Processing Eligible Provider Claims Under the Indigent Hospital and County Healthcare Act (“Procedures”); and

WHEREAS, under Resolution Nos. 2014-47 and 2015-82, the Board did not authorize expenditures from the Fund to the full extent permitted under the Act; and

WHEREAS, the County incurs substantial and increasing costs in providing health care and other services for which counties are responsible under the Act to indigent persons and patients residing in the County’s Adult Detention Facility and Youth Development Program (collectively, “detention facilities”); and

WHEREAS, these costs include both on-site health care providers (both employees and contract personnel), medical supplies, prescription and other drugs, and off-site hospitals and health care providers; and

WHEREAS, to partially offset the forgoing costs, the Board now desires to expressly authorize the budgeting and expenditure of the Fund, as allowed under the Act, to pay for services rendered to indigent persons and patients residing at the County's detention facilities.

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. Notwithstanding anything in Resolution Nos. 2014-47 or 2015-82 or the Procedures to the contrary, the Fund may be budgeted and expended to pay costs of: (1) the burial or cremation of indigent persons residing at either of the County's detention facilities; (2) ambulance transportation, hospital care, and health care services for indigent patients residing at either of the County's detention facilities; and (3) any administrative expenses associated with the forgoing expenditures.

Allowable costs under this Resolution shall include all costs incurred by the County in providing allowable services to persons and patients residing at the County's detention facilities, including both on-site health care providers (both employees and contract personnel), medical supplies, prescription and other drugs, off-site hospitals and health care providers, ambulance transportation providers, and burial or cremation providers.

2. Expenditures of the Fund authorized by this Resolution are not subject to the rules and restrictions in Resolution Nos. 2014-47 and 2015-82 or the Procedures. Without limiting the generality of the foregoing sentence and for the avoidance of doubt, for purposes of the expenditures authorized by this Resolution:

a. Persons residing at either of the County's detention facilities shall be deemed to be residents of and domiciled in the County, regardless of whether they regarded the County as their permanent residence at the time of their death or when they received services;

b. There are no lifetime caps on the amount that may be spent on a person while they reside at a County detention facility; and

c. Amounts spent on a person while they reside at a County detention facility shall not count against the lifetime caps established under the Procedures.

3. For purposes of the expenditures authorized under this Resolution, persons and patients residing at the County detention facilities shall be deemed indigent if:

a. Their household income does not exceed 80 percent of the median average as published annually in the Federal Register by HUD; and

b. Liquid assets do not exceed \$10,000 for a single individual or \$20,000 for a household.

4. The Board shall establish the amount (if any) of the Fund that shall be available for the costs authorized in this Resolution in the operating budget duly approved by the Board for a fiscal year.

5. Once released from the County's detention facilities, a person's eligibility for further assistance from the Fund shall be governed exclusively by Resolution Nos. 2014-47 and 2015-82 or other applicable resolution concerning a specific program or event.

6. The County Public Safety Department, in consultation with the County Finance Division and Community Services Department, shall, and is hereby authorized to, establish any necessary or proper forms, policies, or procedures concerning the expenditures authorized in this Resolution to ensure compliance with the Act and this Resolution, including, but not limited to, those necessary for determining indigence, tracking expenditures, and reporting expenditures.

SFC CLERK RECORDED 06/30/2016

PASSED, APPROVED, AND ADOPTED THIS 28th DAY OF JUNE, 2016.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Miguel M. Chavez
Miguel M. Chavez, Chair

Date: 6/28/16



ATTEST: Geraldine Salazar
Geraldine Salazar, Santa Fe County Clerk

Date: 6-29-2016

APPROVED AS TO FORM:

Gregory S. Shaffer
Gregory S. Shaffer, Santa Fe County Attorney

Date: 6/28/16

APPROVED:

Carole H. Jaramillo
Carole H. Jaramillo, County Finance Director

Date: 6/28/16



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
BCC RESOLUTIONS
PAGES: 3
I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of June, 2016 at 08:12:09 AM
and Was Duly Recorded as Instrument # 1797753
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy Laura Hernandez County Clerk, Santa Fe, NM