

**County Maternal and Child Health Plan Act (CMCHPA) REGULATIONS**

**COUNTY MATERNAL AND CHILD HEALTH PLAN ACT  
REQUIREMENTS**

**7 NMAC 30.4.1 ISSUING AGENCY**

New Mexico Department of Health  
Public Health Division  
Maternal and Child Health Bureau [8-4-92, 10-31-96]

**7 NMAC 30.4.2 SCOPE**

County Maternal and Child Health Plan Act Regulations shall apply to the use of the funds available pursuant to the County Maternal and Child Health (MCH) Plan Act, Chapter 24, Article 1B, NMSA 1978. [8-4-92, 10-31-96]

**7 NMAC 30.4.3 STATUTORY AUTHORITY**

The County Maternal and Child Health Plan Act Regulations are adopted by the Secretary of the Health Department pursuant to the authority of Chapter 24, Article 1B, Section 7, NMSA 1978. The mailing address is: New Mexico Department of Health, Public Health Division, Maternal and Child Health Bureau, P.O. Box 26110, Santa Fe, New Mexico 87502-6110. [8-4-92, 10-31-96]

**7 NMAC 30.4.4 DURATION**

Permanent. [8-4-92, 10-31-96]

**7 NMAC 30.4.5 EFFECTIVE DATE**

August 4, 1992, unless a different date is cited at the end of the section or paragraph. [8-4-92, 10-31-96]

**7 NMAC 30.4.6 OBJECTIVE**

The purpose of the County Maternal and Child Health Plan Act is to encourage the development of comprehensive, family centered, community-based, culturally competent, maternal and child health plans designed to coordinate available resources to meet the needs of childbearing women and their families and thereby improve the long-term health of New Mexicans across the state. The purpose will be accomplished through, but not be limited to, the following activities: [8-4-92, 10-31-96]

6.1 Assisting counties in the creation and development of county maternal and child health planning councils for the purpose of developing a county maternal and child health plan which will identify needed services, current resources and service gaps in the county. [8-4-92, 10-31-96]

6.2 Providing training and technical assistance to the appointed county maternal and child health planning councils; and [8-4-92, 10-31-96]

6.3 Distributing financial assistance to eligible programs in order to

sustain or provide optimal levels of maternal and child health services. [8-4-92, 10-31-96]

## 7 NMAC 30.4.7 DEFINITIONS

7.1 **"Act"** means the County Maternal and Child Health Plan Act, Chapter 24, Article 1B, NMSA 1978. [8-4-92, 10-31-96]

7.2 **"Approved Plan"** means a comprehensive maternal and child health services plan which has been approved by the Public Health Division of the Department of Health and is described in Definitions: "Plan". [8-4-92, 10-31-96]

7.3 **"Board"** means Board of County Commissioners. [8-4-92, 10-31-96]

7.4 **"Council"** means the County Maternal and Child Health Planning Council as established by the Boards of Commissioners of the participating counties of the State of New Mexico. [8-4-92, 10-31-96]

7.5 **"Department"** means the New Mexico Department of Health. [8-4-92, 10-31-96]

7.6 **"Director"** means the Director of the Public Health Division. [8-4-92, 10-31-96]

7.7 **"Division"** means the Public Health Division of the Department of Health. [8-4-92, 10-31-96]

7.8 **"Maternal and Child Health (MCH)"** means those arenas and services designed to support the health of child-bearing women and their families which may include, but are not limited to: general health and social risk assessment for women; Tot to Teen Health Checks for child health and development; well child care and immunization; prenatal health care and family planning; dental health and services; social support groups; food and nutrition services; parenting skills education and support; children with special needs; injury and violence prevention; case management/service coordination; home visiting; and health education and health promotion. [1-24-95, 10-31-96]

7.9 **"Plan"** means a comprehensive strategy of health and social services identified as supportive to maternal and child health and containing the following: [8-4-92, 10-31-96]

7.9.1 assessment of health and social services needed for childbearing individuals and their families with the county; [8-4-92, 10-31-96]

7.9.2 identification of maternal and child high risk indicators and populations found in the county; [8-4-92, 10-31-96]

7.9.3 inventory of resources and capacities available in the county to provide needed services and identification of duplication of services; [8-4-92, 10-31-96]

7.9.4 identification of gaps and barriers to service accessibility and delivery; and development of a prioritized plan to meet the MCH service needs of the county with estimated costs and local commitments of human resources and other in-kind donations from county and local sources. [1-24-95, 10-31-96]

7.10 **"Qualified"** means a provider of services who is fully certified or licensed to practice in New Mexico in accordance with the applicable laws and regulations of the appropriate professional governing boards or licensing agencies. [8-4-92, 10-31-96]

7.11 **"Tot to Teen Health Check"** means Early Periodic Screening, Diagnosis and Treatment which is a comprehensive assessment procedure for determining the health of a child. [1-24-95, 10-31-96]

## 7 NMAC 30.4.8 PLANNING CONTRACTS

8.1 Duty of the Department -- The Department may contract with Boards of County Commissioners in New Mexico to assist counties in the creation and development of a Plan for meeting the MCH service needs of the county. Such

efforts must be consistent with the requirements set out in the Act. All applicable Division and Department procurement procedures and the New Mexico Procurement Code will be followed. [8-4-92, 10-31-96]

8.1.1 The Department will monitor and evaluate the performance of the Contractor to ensure compliance with the intent of the Act. [8-4-92, 10-31-96]

8.1.2 The Department will publish definitions of services that set an acceptable minimum standard for the services provided. [8-4-92, 10-31-96]

8.1.3 The Department will develop a program and training materials for leadership development which shall be made available to all MCH Councils and their contracted staff. [8-4-92, 10-31-96]

8.2 Eligibility -- In order to contract pursuant to this part of the regulations, the Contractor must meet the following requirements: [8-4-92, 10-31-96]

8.2.1 It must be a New Mexico Board of County Commissioners. [8-4-92, 10-31-96]

8.2.2 It must have the capability to carry out the purposes described in Section 6, OBJECTIVES including employment of and/or professional service contracts with qualified professional staff. [8-4-92, 10-31-96]

8.2.3 It must follow Division procedures and guidelines. [8-4-92, 10-31-96]

8.3 County MCH Council Composition -- The Board of County Commissioners shall create a County Maternal and Child Health Council and appoint members that represent a broad spectrum of interests that may include county officials, community-based program providers, childbearing and parenting families, local school administrators, local political leaders, employees of the income support office, employees of the county field health office, maternal and child health care providers, obstetricians, family physicians, nurses, mid-level providers and hospital administrators. The membership shall also represent the geographic areas and ethnic populations within the county. [1-24-95, 10-31-96]

8.3.1 Council members who are or could be potential contractors or employees or independent contractors of a potential contractor under Section 9.2.1 must meet further requirements including: [8-4-92, 10-31-96]

8.3.1.1 They should serve only in an Advisory capacity to the council. [8-4-92, 10-31-96]

8.3.1.2 They should not participate in executive decisions of the Council relating to the County MCH Plan update, approval of proposals that are competing for a service contract, awarding of contracts for which they have competed, internal personnel decisions of contractors, and any other decision that can be determined to constitute a conflict of interest or apparent conflict of interest. [1-24-95, 10-31-96]

8.4. Eligible Items of Expenditure -- Funds made available under the Act may be used for the following types of expenditures: [8-4-92, 10-31-96]

8.4.1 Professional service contracts, including payment for gross receipts tax for a coordinator of planning and for consultants as needed. [8-4-92, 10-31-96]

8.4.2 Purchase of office supplies and other property under \$500.00. [8-4-92, 10-31-96]

8.4.3 Mileage for coordinator, consultants and council members according to guidelines established by the Department of Finance and Administration, DFA Rule 92-1, Section 6. [8-4-92, 10-31-96]

8.4.4 Per diem expenses for coordinator, consultants and council members according to guidelines established by the Department of Finance and Administration, DFA Rule 92-1, Section 4 A-B, D-G, and J-N. [8-4-92, 10-31-96]

8.4.5 Advertising expenses to attract qualified applicants for professional service contracts. [8-4-92, 10-31-96]

8.5. Ineligible Items of Expenditures -- Costs which are not eligible for funding include: [8-4-92, 10-31-96]

8.5.1 Land. [8-4-92, 10-31-96]

- 8.5.2 Building and construction. [8-4-92, 10-31-96]
- 8.5.3 Capital equipment and office furniture and other property depreciated over a period of more than one year. [8-4-92, 10-31-96]
- 8.5.4 Debt amortization. [8-4-92, 10-31-96]
- 8.5.5 Salaries and fringe benefits for county employees. [8-4-92, 10-31-96]
- 8.6 Reports -- The Division shall monitor the performance of the contractor(s) to ensure compliance with the intent of the act. The contractor shall submit to the Division the following reports on or before deadlines specified in the contract. [1-24-95, 10-31-96]
- 8.6.1 The Contractor shall submit all reports required by the Division for payments including reports of costs incurred by individual cost categories reflected in the contract budget. [8-4-92, 10-31-96]
- 8.6.2 The Contractor shall submit a quarterly narrative progress report which identifies all services provided and activities performed according to the Scope of Work. [1-24-95, 10-31-96]
- 8.6.3 The Contractor shall submit a comprehensive MCH plan on or before the specified deadline as required by the contract and as defined in Section 7, DEFINITIONS. [8-4-92, 10-31-96]
- 8.6.4 The Department shall review, evaluate and approve or reject the county maternal and child health plans based on its comprehensive inclusion of all components of maternal and child health services in Section 7, DEFINITIONS. [8-4-92, 10-31-96]

## **7 NMAC 30.4.9 SERVICES CONTRACTS**

- 9.1 Duty of the Department -- The Department may contract with a New Mexico County Commission or qualified service providers to assist counties in the provision of critical maternal and child health services in underserved areas of the state. Such efforts must be consistent with priorities set out in the Act. All applicable Division and Department procurement procedures and the New Mexico Procurement Code will be followed. [8-4-92, 10-31-96]
- 9.1.1 The Department shall award contracts for county maternal and child health services based upon: [8-4-92, 10-31-96]
- 9.1.1.1 the amount of legislatively appropriated funds for the purpose of carrying out the provisions of the County Maternal and Child Health Plan Act; [8-4-92, 10-31-96]
- 9.1.1.2 the county's need for services as measured in the plan by: [8-4-92, 10-31-96]
- 9.1.1.2.1 common and accepted maternal and child health indicators, including but not limited to: a) infant and child mortality and morbidity indicators, b) maternal mortality and morbidity indicators, c) adolescent pregnancy rates, and d) MCH provider availability and capacity; [8-4-92, 10-31-96]
- 9.1.1.2.2 the county's demonstration that services in its maternal and child health plan conform to the comprehensive outline of community-based MCH services described in Subsection D of Section 5, 24-1B-5, NMSA 1978 of the County Maternal and Child health Plan Act. [1-24-95, 10-31-96]
- 9.1.2 The Department will monitor and evaluate the performance of the Contractor to ensure compliance with the intent of the Act. [8-4-92, 10-31-96]
- 9.1.3 The Department will publish definitions of services that set an acceptable minimum standard for the services provided. [8-4-92, 10-31-96]
- 9.2 Eligibility -- In order to contract for service provision or evaluation of such services pursuant to this part of the regulations, the Contractor must meet the following requirements: [8-4-92, 10-31-96]
- 9.2.1 It must be a New Mexico Board of County Commissioners or a qualified organization or individual provider of services providing a service identified as needed in the County MCH Plan. [8-4-92, 10-31-96]
- 9.2.2 It must be in a county which has a current Division approved

County Maternal and Child Health Plan according to the provisions of the Act. [8-4-92, 10-31-96]

9.2.3 It must have the capability to carry out the purposes of the Act, including qualified professional staff. [8-4-92, 10-31-96]

9.2.4 It must be an entity whose director, employees, contractors or board members do not serve in an executive or decision making capacity on the County MCH Council. [1-24-95, 10-31-96]

9.2.5 It must have received the written endorsement of the County MCH Council and of the written approval of the Board of County Commissioners of the county in which services are proposed. [1-24-95, 10-31-96]

9.3 Eligible Items of Expenditure -- Funds made available for provision of health care services under the Act may be used for the following types of expenditures: [8-4-92, 10-31-96]

9.3.1 Salaries and benefits for employees of the Contractor. [8-4-92, 10-31-96]

9.3.2 Purchase of supplies. [8-4-92, 10-31-96]

9.3.3 Purchase, repair and/or maintenance of equipment. [8-4-92, 10-31-96]

9.3.4 Mileage and Per Diem expenses according to the Department of Finance and Administration rule 90-2, Section 7. [8-4-92, 10-31-96]

9.3.5 Professional Services Contracts. [8-4-92, 10-31-96]

9.3.6 Advertising expenses to attract interested MCH provider candidates. [8-4-92, 10-31-96]

9.3.7 Malpractice insurance premiums. [8-4-92, 10-31-96]

9.3.8 Other approved general operating expenses. [8-4-92, 10-31-96]

9.4 Ineligible Items of Expenditures -- Costs which are not eligible for funding include: [8-4-92, 10-31-96]

9.4.1 Land. [8-4-92, 10-31-96]

9.4.2 Building and construction. [8-4-92, 10-31-96]

9.4.3 Emergency Medical Services personnel, training or equipment. [8-4-92, 10-31-96]

9.4.4 School nurses. [8-4-92, 10-31-96]

9.4.5 In patient hospital care. [8-4-92, 10-31-96]

9.4.6 Debt amortization. [8-4-92, 10-31-96]

9.5 Reports -- The Division shall monitor the performance of the contractor(s) to ensure compliance with the intent of the act. The contractor shall submit to the Division the following reports on or before deadlines specified in the contract. [8-4-92, 10-31-96]

9.5.1 The Contractor shall submit all reports required by the Division for payments including reports of costs incurred by individual cost categories reflected in the contract budget. [8-4-92, 10-31-96]

9.5.2 The Contractor shall submit a quarterly narrative progress report which identifies all services provided and activities performed according to the Scope of Work. [8-4-92, 10-31-96]

9.5.3 The contractor shall participate in data collection, needs and capacities assessment, and monitoring and evaluation in coordination with the Department's efforts in this arena. [1-24-95, 10-31-96]

9.5.4 Payment of all funds under the Act is subject to Division approval of all invoices and/or reports. [1-24-95, 10-31-96]

9.6 Selection of Providers -- The Contractor must conduct all employment and professional services contracting activities based upon the following considerations: [8-4-92, 10-31-96]

9.6.1 All providers shall be considered on an equal opportunity basis according to state and federal laws and regulations which prohibit discrimination. [8-4-92, 10-31-96]

9.6.2 All candidates must be licensed or certified in New Mexico in accordance with the applicable laws and regulations of the appropriate professional governing boards or licensing agencies. [8-4-92, 10-31-96]

## 7 NMAC 30.4.10 FUND DISTRIBUTION

10.1 Duty of the Department -- To the extent funds are made available for the purposes of the County Maternal and Child Health Plan Act, the Department shall provide for the distribution of financial assistance to eligible organizations which have applied for and demonstrated a need for assistance in order to sustain the delivery of planning and health care services according to the specifications set forth in Chapter 24-1B, NMSA 1978. The Department may apply a formula for county contribution to the implementation of its plan based on legislative appropriation and the county's relative worth as measured by its population, per-capita income, gross receipts tax base and average property value. [8-4-92, 10-31-96]

10.2 Eligibility -- In order to be eligible to receive financial assistance through the Act, the following requirements, in addition to the requirements in Section 8.2 and Section 9.2, must be met by an eligible program: [8-4-92, 10-31-96]

10.2.1 It must be a New Mexico Board of County Commissioners or an eligible provider of services who is fully certified or licensed to practice in New Mexico in accordance with the applicable laws and regulations of the appropriate professional governing boards or licensing agencies. [8-4-92, 10-31-96]

10.2.2 It must be an entity whose director, employees, contractors or board members do not serve in an executive or decision making capacity on the County MCH Council. [1-24-95, 10-31-96]

10.2.3 It must have policies and procedures which assure that no person will be denied services because of inability to pay. The program must also have billing policies and procedures which maximize patient accessibility to its services. [8-4-92, 10-31-96]

10.2.4 It must agree to submit for payment by the Department only the services which have been Division approved in the Plan for the county and designated in the Contract. [8-4-92, 10-31-96]

10.2.5 It must maximize other sources of funding. [8-4-92, 10-31-96]

10.3 Distribution of Financial Assistance -- In any fiscal year, the distribution of financial assistance for maternal and child health services to an eligible county or other eligible contractor selected pursuant to these regulations shall be determined according to the following guidelines: [8-4-92, 10-31-96]

10.3.1 The relative need of an eligible county or other eligible provider for financial assistance shall be determined by taking into consideration the following primary criteria: [8-4-92, 10-31-96]

10.3.1.1 The relative need of the county for financial assistance as demonstrated in the approved plan and the application process. [8-4-92, 10-31-96]

10.3.1.2 The priority of the need as addressed in the county's approved plan. [8-4-92, 10-31-96]

10.3.1.3 The commitment made by the county to implement its approved plan. [8-4-92, 10-31-96]

10.3.1.4 The amount of available funds available from the Department for provision of services. [8-4-92, 10-31-96]

10.3.1.5 The comprehensive County MCH Plan shall be completely reviewed and updated at the request of the Board if the plan as implemented is not achieving the stated goals or if the needs of the local population have changed. The Department may request that the plan be reviewed and updated for the same or other appropriate and pertinent reasons. All reviews and updates shall be done according to the guidance and format provided in the County MCH Plan Act Request for Proposal. [1-24-95, 10-31-96]

10.4 Funding Authority -- At the discretion of the Department, selection among proposals which have shown need under #10.3 will be made based on the

following criteria: [8-4-92, 10-31-96]

10.4.1 Proposals which demonstrate measures to increase the productivity and/or improve the efficiency of the applicant's maternal and child health care services. [8-4-92, 10-31-96]

10.4.2 Proposals which demonstrate coordination and/or innovative relationships with Public Health Offices and other health care services; [8-4-92, 10-31-96]

10.4.3 Proposals which demonstrate innovative methods for eliminating or reducing access barriers to services. [8-4-92, 10-31-96]

10.4.4 Proposals which demonstrate utilization of other sources of funding. [8-4-92, 10-31-96]

10.5 Award of Contracts -- The Division will award contracts in accordance with the New Mexico Procurement Code and applicable Department regulations. Opportunities for application for contracts will be provided according to the New Mexico Procurement Code and applicable Department regulations. [8-4-92, 10-31-96]

10.6 Protest Procedure -- Any offeror or contractor who is aggrieved in connection with the award process must use the protest procedure established by the New Mexico Procurement Code and applicable Department regulations. [8-4-92, 10-31-96]

10.6.1 Extension of Time -- No extension of the time for the filing of any pleading or document shall be granted, unless the person seeking the extension can show, to the satisfaction of the Secretary or the Secretary's designated representative, that there is good cause for the extension. Requests for extension of time must be received in advance of the date on which the pleading or document is due to be filed. [8-4-92, 10-31-96]

10.7 Duplicate Funding Disallowed -- Applications for financial assistance through the Act must be accompanied by a certified statement that the eligible program shall not claim or be reimbursed by any Act monies for items or program expenditures paid for by clients, insurance, State, Federal or other grant funds. [8-4-92, 10-31-96]

10.8 Expenditure Plans -- All contractors must submit to the Department, for approval, plans which show how awarded funds will be expended during the contract period. The Department may, at its discretion, amend or terminate any contract if either the contractor's plan or its progress is not satisfactory to the Department. [8-4-92, 10-31-96]

10.9 Redistribution of Funds -- Funds becoming available subsequent to the initial distribution made pursuant to Section 10.7, or recouped pursuant to Section 10.8 may be awarded to eligible programs by contract or contract amendment at any time at the discretion of the Department, and shall not be required to be carried over to the next fiscal year. [8-4-92, 10-31-96]

## **7 NMAC 30.4.11 OTHER PROVISIONS**

11.1 Severability -- If any part or application of the County Maternal and Child Health Plan Act regulation is held invalid, the remainder or its application to other situations or persons shall not be affected. [8-4-92, 10-31-96]

11.2 Effect of Departmental Regulations -- These regulations are subject to various general regulations of the Department of Health as and when promulgated, including regulations governing regulation promulgation, and regulations on public access to information. [8-4-92, 10-31-96]

**AN ACT  
RELATING TO HEALTH CARE; AMENDING THE COUNTY MATERNAL AND  
CHILD HEALTH ACT TO INCLUDE TRIBES; CHANGING THE TITLE OF THAT AN ACT.**

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

Section 1. Section 24-1B-1 NMSA 1978 (being Laws 1991, Chapter 113, Section 1) is amended to read:

“24-1B-1. SHORT TITLE.—Chapter 24, Article 1B NMSA 1978 may be cited as the “Maternal and Child Health Plan Act”.”

Section 2. Section 24-1B-2 NMSA 1978 (being Laws 1991, Chapter 113, Section 2) is amended to read:

“24-1B-2. PURPOSE OF ACT.—The purpose of the Maternal and Child Health Plan Act is to encourage the development of comprehensive, community-based maternal and child health services to meet the needs of childbearing women and their families.”

Section 3. Section 24-1B-3 NMSA 1978 (being Laws 1991, Chapter 113, Section 3) is amended to read:

“24-1B-3. DEFINITIONS.—As used in the Maternal and Child Health Plan Act:

- A. “board” means the board of county commissioners of a county or leadership of a tribe;
- B. “department” means the department of health;
- C. “planning council” means the maternal and child health planning council;
- D. “tribe” means an Indian nation, tribe or pueblo located within the boundaries of the state.”

Section 4. Section 24-1B-4 NMSA 1978 (being Laws 1991, Chapter 113, Section 4) is amended to read:

“24-1B-4. PLANNING COUNCIL CREATED--MEMBERSHIP.--

A. The board may create a maternal and child health planning council, and it may appoint members for terms designated by the board. The members of the planning council shall be selected to represent a broad spectrum of interests that may include elected officials, tribal officials, community-based program providers, childbearing and parenting families, residents, local school administrators, local political leaders, employees of the income support office, employees of the county field health office, maternal and child health care providers, obstetricians, family physicians, nurses, mid-level providers and hospital administrators.

B. Members of the planning council shall elect from among themselves a chair for a term designated by the board. The planning council shall meet at the call of the chair.

C. Planning council members shall not be paid, but they may receive per diem and mileage expenses as provided in the Per Diem and Mileage Act.”

Section 5. Section 24-1B-5 NMSA 1978 (being Laws 1991, Chapter 113, Section 5) is amended to read:

“24-1B-5. MATERNAL AND CHILD HEALTH PLANS.--

A. The board or its designee with the advice of the planning council may prepare a maternal and child health plan. The plan shall have the approval of the planning council and the board before it may be submitted by the board to the department for approval.

B. Two or more boards may agree among themselves to establish a maternal and child health plan.

C. Each maternal and child health plan shall include:

- (1) a needs assessment that identifies and quantifies:
  - (a) those populations that are unable to obtain adequate maternal and child health services;
  - (b) the major factors that affect accessibility to local maternal and child health services;
  - (c) the gaps in locally available maternal and child health services; and
  - (d) the extent to which county and tribal residents use maternal and child health services available in other counties;
- (2) an inventory that identifies existing public and private providers, services and maternal and child health plans, medicaid and other governmental, tribal and charitable resources, program duplications and the county's current monetary contributions to maternal and child health programs;
- (3) recommendations on how to improve and fund maternal and child health based upon the needs assessment and inventory of existing services and resources;
- (4) recommendations to eliminate duplications of services, improve access and initiate new services as needed; and
- (5) conclusions about the need to rely on services available in other counties and on the level of charitable, federal, state, county or tribal funding and in-kind contributions that are required to implement the maternal and child health plan fully.

D. The recommendations contained in the maternal and child health plan may be based on the development of comprehensive maternal and child health services. Development of the maternal and child health plan may include a consideration of:

- (1) teen pregnancy;
- (2) family planning;
- (3) prenatal care;
- (4) financing of perinatal care for persons not eligible for medicaid;
- (5) proposals to expand provider capacity;
- (6) outreach, information, referral, risk assessment and case management for both pregnant women and their children;
- (7) perinatal health education projects;
- (8) home visiting and social support groups;
- (9) projects that reduce poor pregnancy and child outcomes;
- (10) projects that enhance utilization of well-child care;
- (11) projects that remove transportation barriers from perinatal services; and
- (12) projects that coordinate local community services, including those services provided by the county's state public health office.

E. The maternal and child health plan shall be updated at the request of the board or the department if the plan as implemented is not achieving the stated goals or if the needs of the local population have changed."

Section 6. Section 24-1B-6 NMSA 1978 (being Laws 1991, Chapter 113, Section 6) is amended to read:

"24-1B-6. MATERNAL AND CHILD HEALTH FUNDS.--

A. The department shall contract for maternal and child health services to implement a maternal and child health plan after the plan has been approved by the department.

B. As a condition of the department contracting for maternal and child health services, after an opportunity for county or tribal input, a county or tribe may be asked to contribute to the implementation of an approved maternal and child health plan based on the relative wealth of the county or tribe as measured by the population, the per capita income, the gross receipts tax base and the average property value.

C. The department shall contract for maternal and child health services to implement a maternal and child health plan based upon:

(1) the amount of funds appropriated for the purpose of carrying out the provisions of the Maternal and Child Health Plan Act;

(2) the need for services as measured by:

(a) maternal and child health indicators;

(b) the teen pregnancy rate; and

(c) maternal and child health provider availability and shortages; and

(3) the demonstration that the services in the maternal and child health plan fit into the comprehensive outline of community-based maternal and child health services described in Subsection D of Section 24-1B-5 NMSA 1978.

D. Nothing in the Maternal and Child Health Plan Act shall prohibit the department from contracting for those categories of maternal and child health services that it contracted for prior to the effective date of the Maternal and Child Health Care Act or that it deems essential for public health."

Section 7. Section 24-1B-7 NMSA 1978 (being Laws 1991, Chapter 113, Section 7) is amended to read:

"24-1B-7. DEPARTMENT--POWERS AND DUTIES.--

A. The department shall review, evaluate and approve or reject a maternal and child health plan and it may require that a county update its maternal and child health plan.

B. The department is authorized to contract for maternal and child health services to implement maternal and child health plans, subject to the availability of appropriations for that purpose.

C. The department shall monitor and evaluate the contracts funded by the department and assess whether maternal and child health conditions are improving.

D. The department shall provide technical assistance and training to assist as needed in developing maternal and child health plans.

E. The department may gather information necessary to evaluate the effectiveness of services it contracts for through the provisions of the Maternal and Child Health Plan Act.

F. The department shall adopt all rules necessary to carry out the purposes of the Maternal and Child Health Plan Act, including:

(1) the procedures and format for applying for department approval of a maternal and child health plan;

- (2) the format for maternal and child health plans;
- (3) the criteria to review, evaluate and approve or reject maternal and child health plans;
- (4) the procedures and format for requesting that the department procure services under a department approved maternal and child health plan;
- (5) the formula used to determine a required contribution to implement maternal and child health plans;
- (6) a procedure that determines the need for maternal and child health services;
- (7) the procedure to determine the distribution of state funds appropriated to implement maternal and child health plans;
- (8) the procedures for gathering and reporting programmatic and financial information necessary to evaluate the effectiveness of maternal and child health services for which the department contracts pursuant to the provisions of the Maternal and Child Health Plan Act; and
- (9) definitions that set an acceptable minimum standard for the services provided."

NEW MEXICO DEPARTMENT OF HEALTH  
PUBLIC HEALTH DIVISION