

This rule was filed as 7 NMAC 30.4.

TITLE 7 HEALTH
CHAPTER 30 FAMILY AND CHILDREN HEALTH CARE SERVICES
PART 4 COUNTY MATERNAL AND CHILD HEALTH PLAN ACT REQUIREMENTS

7.30.4.1 ISSUING AGENCY: New Mexico Department of Health, Public Health Division, Maternal and Child Health Bureau.
[8/4/92, 10/31/96; Recompiled 10/31/01]

7.30.4.2 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; Recompiled 10/31/01]

7.30.4.3 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; Recompiled 10/31/01]

7.30.4.4 DURATION: Permanent.
[8/4/92, 10/31/96; Recompiled 10/31/01]

7.30.4.5 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; Recompiled 10/31/01]
[Compiler's note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

7.30.4.6 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:

- A. 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;
 - B. providing training and technical assistance to the appointed county maternal and child health planning councils; and
 - C. 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; Recompiled 10/31/01]

7.30.4.7 DEFINITIONS:

- A. "Act" means the County Maternal and Child Health Plan Act, Chapter 24 Article 1B NMSA 1978.
- B. "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".
- C. "Board" means board of county commissioners.
- D. "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.
- E. "Department" means the New Mexico department of health.
- F. "Director" means the director of the public health division.
- G. "Division" means the public health division of the department of health.

H. “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.

I. “Plan” means a comprehensive strategy of health and social services identified as supportive to maternal and child health and containing the following:

- (1) assessment of health and social services needed for childbearing individuals and their families with the county;
- (2) identification of maternal and child high risk indicators and populations found in the county;
- (3) inventory of resources and capacities available in the county to provide needed services and identification of duplication of services;
- (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.

J. “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.

K. “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.
[8/4/92, 1/24/95, 10/31/96; Recompiled 10/31/01]

7.30.4.8 PLANNING CONTRACTS:

A. 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.

(1) The department will monitor and evaluate the performance of the contractor to ensure compliance with the intent of the Act.

(2) The department will publish definitions of services that set an acceptable minimum standard for the services provided.

(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.

B. Eligibility: - In order to contract pursuant to this part of the regulations, the contractor must meet the following requirements:

- (1) It must be a New Mexico board of county commissioners;
- (2) It must have the capability to carry out the purposes described in Section 6, Objective [now 7.30.4.6 NMAC] including employment of and/or professional service contracts with qualified professional staff;
- (3) It must follow division procedures and guidelines.

C. 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. Council members who are, or could be potential contractors or employees or independent contractors of a potential contractor under Section 9.2.1 [now Paragraph (1) of Subsection B of 7.30.4.9 NMAC] must meet further requirements including:

- (1) They should serve only in an advisory capacity to the council;
- (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.

D. Eligible items of expenditure: Funds made available under the Act may be used for the following types of expenditures:

- (1) professional service contracts, including payment for gross receipts tax for a coordinator of planning and for consultants as needed;
- (2) purchase of office supplies and other property under \$500.00;
- (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 [now 2.42.2 NMAC];
- (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 [now 2.42.2 NMAC];
- (5) advertising expenses to attract qualified applicants for professional service contracts.

E. Ineligible items of expenditures: Costs which are not eligible for funding include:

- (1) land;
- (2) building and construction;
- (3) capital equipment and office furniture and other property depreciated over a period of more than one year;
- (4) debt amortization;
- (5) salaries and fringe benefits for county employees.

F. 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) 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.

(2) The contractor shall submit a quarterly narrative progress report which identifies all services provided and activities performed according to the scope of work.

(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 [now 7.30.4.7 NMAC], Definitions.

(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 [now 7.30.4.7 NMAC], Definitions.

[8/4/92, 1/24/95, 10/31/96; Recompiled 10/31/01]

7.30.4.9 SERVICES CONTRACTS:

A. 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.

(1) The department shall award contracts for county maternal and child health services based upon:

- (a) the amount of legislatively appropriated funds for the purpose of carrying out the provisions of the County Maternal and Child Health Plan Act;

- (b) the county's need for services as measured in the plan by:
 - (i) 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;

- (ii) 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.

(2) The department will monitor and evaluate the performance of the contractor to ensure compliance with the intent of the Act.

(3) The department will publish definitions of services that set an acceptable minimum standard for the services provided.

B. 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:

(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;

- (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;
- (3) it must have the capability to carry out the purposes of the Act, including qualified professional staff;
- (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;
- (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;
- C. 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:
 - (1) salaries and benefits for employees of the Contractor;
 - (2) purchase of supplies;
 - (3) purchase, repair and/or maintenance of equipment;
 - (4) mileage and per diem expenses according to the department of finance and administration rule 90-2, Section 7 [now 2.42.2 NMAC];
 - (5) professional services contracts;
 - (6) advertising expenses to attract interested MCH provider candidates;
 - (7) malpractice insurance premiums;
 - (8) other approved general operating expenses;
- D. Ineligible items of expenditures: Costs which are not eligible for funding include:
 - (1) land;
 - (2) building and construction;
 - (3) emergency medical services personnel, training or equipment;
 - (4) school nurses;
 - (5) in patient hospital care;
 - (6) debt amortization.
- E. 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) 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;
 - (2) The contractor shall submit a quarterly narrative progress report which identifies all services provided and activities performed according to the scope of work;
 - (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;
 - (4) Payment of all funds under the Act is subject to division approval of all invoices and/or reports.
- F. Selection of Providers: The contractor must conduct all employment and professional services contracting activities based upon the following considerations:
 - (1) All providers shall be considered on an equal opportunity basis according to state and federal laws and regulations which prohibit discrimination;
 - (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.

7.30.4.10 FUND DISTRIBUTION:

- A. 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.
- B. 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 [now Subsection B of 7.30.4.8 NMAC and Subsection B of 7.30.4.9 NMAC], must be met by an eligible program:

(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.

(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.

(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.

(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.

(5) It must maximize other sources of funding.

C. 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. 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:

(1) the relative need of the county for financial assistance as demonstrated in the approved plan and the application process;

(2) the priority of the need as addressed in the county's approved plan;

(3) the commitment made by the county to implement its approved plan;

(4) the amount of available funds available from the department for provision of services.

(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.

D. Funding authority: At the discretion of the department, selection among proposals which have shown need under 10.3 [now Subsection C of 7.30.4.10 NMAC] will be made based on the following criteria:

(1) proposals which demonstrate measures to increase the productivity and/or improve the efficiency of the applicant's maternal and child health care services;

(2) proposals which demonstrate coordination and/or innovative relationships with public health offices and other health care services;

(3) proposals which demonstrate innovative methods for eliminating or reducing access barriers to services;

(4) proposals which demonstrate utilization of other sources of funding.

E. 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.

F. 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. 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.

G. 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.

H. 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.

I. Redistribution of Funds - Funds becoming available subsequent to the initial distribution made pursuant to Section 10.7 [now Subsection G of 7.30.4.10 NMAC], or recouped pursuant to Section 10.8 [now Subsection H of 7.30.4.10 NMAC] 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, 1/24/95, 10/31/96; Recompiled 10/31/01]

7.30.4.11 OTHER PROVISIONS:

A. 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.

B. 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; Recompiled 10/31/01]

HISTORY OF 7.30.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

DOH 92-1 (PHD), County Maternal And Child Health Plan Regulations, 8/4/92.

DOH 94-14 (PHD), County Maternal And Child Health Plan Act Regulations, 1/24/95.

History of Repealed Material: [RESERVED]