

TITLE 7 HEALTH
CHAPTER 30 FAMILY AND CHILDREN HEALTH CARE SERVICES
PART 9 BIRTHING WORKFORCE RETENTION FUND

7.30.9.1 ISSUING AGENCY: New Mexico Department of Health, Public Health Division, Family Health Bureau, Maternal/Child Health Program.

[7.30.9.1 NMAC - Rp, 7.30.9.1 NMAC, 6/30/2016]

7.30.9.2 SCOPE: These rules apply to certified nurse-midwives and physicians licensed in New Mexico who provide birthing services and apply for funds from the birthing workforce retention fund.

[7.30.9.2 NMAC - Rp, 7.30.9.2 NMAC, 6/30/2016]

7.30.9.3 STATUTORY AUTHORITY: The regulations set forth herein are promulgated by the secretary of the department of health by authority of Section 9-7-6E NMSA 1978, and implement Section 41-5-26.1 NMSA 1978.

[7.30.9.3 NMAC - Rp, 7.30.9.3 NMAC, 6/30/2016]

7.30.9.4 DURATION: Permanent.

[7.30.9.4 NMAC - Rp, 7.30.9.4 NMAC, 6/30/2016]

7.30.9.5 EFFECTIVE DATE: June 30, 2016, unless a later date is cited at the end of a section.

[7.30.9.5 NMAC - Rp, 7.30.9.5 NMAC, 6/30/2016]

7.30.9.6 OBJECTIVE: These rules are promulgated pursuant to statute for the purpose of establishing criteria for the application for and award of money from the birthing workforce retention fund.

[7.30.9.6 NMAC - Rp, 7.30.9.6 NMAC, 6/30/2016]

7.30.9.7 DEFINITIONS:

A. "Certified nurse-midwife (CNM)" means an individual educated in the two disciplines of nursing and midwifery, who possesses evidence of American College of Nurse-Midwives Certification Council, Inc. (ACC) certification.

B. "Department" means the New Mexico department of health.

C. "Fund" means the birthing workforce retention fund, as established by Section 41-5-26.1 NMSA 1978, which provides malpractice insurance premium assistance to eligible awardees.

D. "Indigent" means those individuals having a household income under two hundred thirty-five percent of federal poverty guidelines who are not covered by any private third-party health insurance and who are not eligible for medicaid coverage.

E. "Physician" means a medical doctor licensed under the New Mexico Medical Practice Act to practice medicine in New Mexico.

F. "Program" means the maternal/child health program of the family health bureau of the public health division of the New Mexico department of health.

G. "Secretary" means the secretary of the department of health.

H. "Tail coverage" means insurance coverage providing an extended reporting period for any claims related to conduct that occurred during the period covered by the claims-based medical malpractice policy after it has expired or been canceled.

[7.30.9.7 NMAC - Rp, 7.30.9.7 NMAC, 6/30/2016]

7.30.9.8 ELIGIBILITY: In order to be eligible for award of money from the fund, the applicant must:

A. be a certified nurse-midwife licensed in New Mexico or a physician licensed in New Mexico;

B. demonstrate need by showing that medicaid or indigent patients constitute at least one-half of the obstetric practice of the applicant;

C. have a current malpractice liability insurance policy covering birthing services;

D. show intent to continue his/her obstetrics practice in New Mexico during the period covered by the award; and

E. provide attestation statement stating that award will not be used to provide premium assistance for tail coverage purchased upon applicant's termination from his/her work practice.

[7.30.9.8 NMAC - Rp, 7.30.9.8 NMAC, 6/30/2016]

7.30.9.9 APPLICATIONS:

A. Requirements: The applicant shall present to the program, via mail or fax, a completed department application which is available on the department's website at <http://nmhealth.org/about/phd/fhb/mwp/> or by contacting the program at (505) 476-8907. Along with the application the applicant must submit:

(1) a copy of the applicant's current New Mexico license to practice certified nurse-midwifery or medicine;

(2) proof of the applicant's current malpractice liability insurance policy premium covering birthing services;

(3) proof of both the number and the percentage of medicaid and indigent patients seen in the applicant's birthing practice

in each of the previous two years;

(4) proof of all payments and any funding the applicant received for delivery services for each of the previous two years;
and

(5) proof that the applicant provides both prenatal and birthing services in his/her practice.

B. Deadline for application: Deadline for application will be available through the program and will be listed on the application.

[7.30.9.9 NMAC - Rp, 7.30.9.9 NMAC, 6/30/2016]

7.30.9.10 COMMITTEE TO REVIEW APPLICATIONS: The secretary or the secretary's designee shall appoint a committee to evaluate applications and select awardees. The committee shall consist of such members as chosen by the secretary or the secretary's designee, including, at a minimum:

A. a member of the maternal child health program of the department; and

B. a member of the health systems bureau of the department.

[7.30.9.10 NMAC - Rp, 7.30.9.10 NMAC, 6/30/2016]

7.30.9.11 EVALUATION OF APPLICATIONS:

A. Basis for disbursal: Awards shall be disbursed based on the percentage of the CNM or physician's patients seen for birthing services who are covered by medicaid or are indigent, with a minimum of fifty percent of the practitioner's obstetric practice consisting of medicaid or indigent patients.

B. Criteria upon which the committee shall evaluate and prioritize the need of the applicant and the merits of the application:

(1) the relative availability of birthing services for medicaid and indigent patients in the applicant's community, based on the department's annual study of geographic access to birthing care providers;

(2) the number of medicaid and indigent patients seen in the practice for birthing services;

(3) the ratio of the revenue received from deliveries to the liability insurance premium; and

(4) the provision of comprehensive prenatal and delivery services to clients who present for them.

[7.30.9.11 NMAC - Rp, 7.30.9.11 NMAC 6/30/2016]

7.30.9.12 PRIORITY OF AWARDS: Priority for the award of money from the birthing workforce retention fund shall be in the following order:

A. to certified nurse-midwives; and

B. to family practice physicians and obstetricians.

[7.30.9.12 NMAC - Rp, 7.30.9.12 NMAC 6/30/2016]

7.30.9.13 AWARDS: Subject to availability of funds, each award shall be a minimum of five thousand dollars (\$5,000) and shall not exceed ten thousand dollars (\$10,000).

A. Awardees will be notified within 45 days after the application deadline.

B. Awardees shall submit proof of payment of a malpractice liability insurance policy covering birthing services to the program within nine months of receipt of the award.

[7.30.9.13 NMAC - Rp, 7.30.9.13 NMAC 6/30/2016]

HISTORY OF 7.30.9 NMAC:

History of Repealed Material:

7.30.9 NMAC, Birthing Workforce Retention Fund, filed 12/31/2008 - Repealed effective 6-30-2016.