

**LUNA COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**Barbara L. Reedy**  
Member

**John S. Sweetser**  
Chairman

**Linda M. Smrkovsky**  
Member

**Thursday, February 13, 2020  
9:00 a.m. - 10:00 a.m.  
Work Session  
Luna County Courthouse**

1. **Call to Order:** Chairman Sweetser to commence meeting (At this time, please silence your cell phones and any other electronic devices) Pledge of Allegiance, State Pledge.

*Regular meeting items and other necessary items may be discussed. No action will be taken during the work session.*

2. **Roll Call:**

3. **Discussion Items:**

a. Luna County Information Technology and Security Policy  
**DISCUSSION ONLY**

b. Resolution 2020 Indigent Policy  
**DISCUSSION ONLY**

4. **New Business:**

5. **Public Comment:** The Public has the opportunity to provide comment at this time pertaining to items on the agenda only. Please be advised that this is not a question and answer period. Your comments specific to the agenda items will be limited to three minutes unless the Board of County Commissioners requests more information. The time limit and opportunity to speak is given in an effort to allow public input on business matters of the County to move the agenda forward in a prompt yet efficient manner. Comment will not be allowed on individual agenda items as they are discussed by the Commissioners during new business.

6. **Adjourn:**

**NOTE TO THE PUBLIC:** Please use the microphone when addressing the Board. This is necessary for recording purposes. Thank you for your cooperation. Headphones for hearing enhancement are available upon request.



## **Luna County Information Technology and Security Policy**

Effective Date: February 13, 2020

### **Purpose**

To establish a Countywide Information Technology and Security program supported by a countywide policy in order to assure appropriate and authorized access, usage and the integrity of County information and information technology assets by County employees, contractors, sub-contractors, volunteers and other governmental and private agency staff.

### **Policy**

Information and the systems, networks, and software necessary for processing are essential County assets that must be appropriately protected against all forms of unauthorized access, use, disclosure, modification, or damaging of equipment, data, and software. Security and controls for County information and associated information technology (IT) assets which are owned, managed, operated, maintained, or in the custody or proprietorship of the County or non-County entities must be implemented to help ensure:

- Privacy and confidentiality
- Data integrity
- Availability
- Accountability
- Appropriate use
- Safety protocols
- Minimize legal liabilities

The County Technology and Security policy will establish the minimum standard to which all departments must adhere. Departments may, at their discretion, enhance the minimum standard based on their unique requirements.

### **Ownership**

Computer hardware and application software systems purchased by Luna County are the property of the County, not individual departments, and may be subject to reallocation as the needs of the County change. The reallocation of these resources requires the approval the Information Technology

Department. Systems purchased with special funds or through grant funding and federal/state share funding arrangements may not be subject to reallocation.

Employees are prohibited from storing personal data on County computers. All data stored on the system are County property and may be subject to New Mexico Open Records Act. There is no right to privacy in such files, and they may be accessed, read, downloaded, or deleted in the County's regular course of business.

In order to comply with NIST (National Institute of Standards of Technology) 800-128 & 800-53 CA-1 & SI-4 the Information Technology Department is authorized to monitor all electronic mail, files, Internet usage and user activity through regular computer and network maintenance.

Luna County has the right to disclose employee e-mail messages, instant message or Internet records to law enforcement or government officials or to authorized parties, without notification or permission from the employees sending or receiving the messages.

#### **Standard Opening and Closing Account Procedure**

In order to comply with NIST 800-53 IA-1, PS-4, & PS-5 and ensure access to computer systems is appropriately requested, approved, granted, terminated, and reviewed on a regular basis. Management of computer accounts is critical in protecting sensitive data and minimizing risks and liability to the County.

Therefore, the Department Director shall provide a written request to the Information Technology Department for a new employee/intern/volunteer, stating their full name, department, start date, and employee number, two (2) weeks in advance, to allow the Information Technology Department reasonable time to have equipment ready. In order to comply with NIST 800-53 AT-1 & AT-2, on start date an IT technician shall meet with employee/intern/volunteer to get a signature hardware agreement signed, and have a one on one tutorial on the equipment issued to him/her.

Human Resources Department shall provide a written request to the Information Technology Department of an employee/intern/volunteer account closure, stating their full name, department, final date, and employee number five (5) business days in advance to their final day of employment to allow the Information Technology Department reasonable time to make a reasonable effort to protect the data's integrity. In turn the Information Technology Department will notify in writing the Human Resources Department that equipment and data is accounted for to the IT Department's best knowledge. If prior notice cannot be given, the Information Technology Department shall be notified immediately in order to protect the data integrity and equipment.

#### **E-Mail & Instant Messaging**

E-mail is the ability to compose and distribute messages, documents, files, software or images by electronic means over a phone line or network connection. This includes internal and external e-mail.

Instant Messaging (IM) is a software utility that allows users connected to the Internet or county network to send text messages and files between other IM users.

In order to comply with 18 USC §2702 federal law, NIST 800-122, HIPAA (Health Insurance Portability Accountability Act) 1996 and the FOIA (Freedom of Information Act) all outgoing e-mail messages shall contain a breach of confidentiality and accidental breach of confidentiality disclaimer.

Only official County email addresses shall be used to conduct official County business. Official County email addresses shall be listed on the official County website. Official County email addresses shall not be used for personal use (i.e., advertisements, newsletters, personal billing, etc).

County emails will be issued only to full time employees (exclusion of Starmax, Dispatch, and Detention Center, as this will be done according to Department Directors instructions). Intern and volunteers will not be given a county email.

In order to comply with 18 USC §2701 federal law, official County email account passwords will not be given to the department directors, or employees. County employees are prohibited from accessing other currently employed County employees' emails.

Communications or records intended or required by law to be retained shall be saved to designated electronic files or other media as required by departmental or agency procedures. All departments shall adhere to their legal record retention requirements.

#### **Prohibited Uses of Email and IM**

Employees shall not create, send or store messages that may reasonably be regarded as offensive, obscene, disruptive, illegal, fraudulent, profane, embarrassing or libelous. These include information that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs. Users encountering or receiving such material should immediately report the incident to their supervisor.

Employees shall not send unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material. Employees shall not transmit any PII (Personally Identifiable Information), as per PII, HIPAA, PCI (Payment Compliance Industry) standards. Personally Identifiable Information (PII): Protected information which can be used to distinguish or trace an individual's identity, such as their full name, social security number, biometric records, driver's license number, national identification number, insurance details, medical information criminal record etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc.

#### **Internet**

Global network of computers used to communicate and provide information.

When accessing the Internet, employees are representing Luna County, therefore all rules of conduct and law that apply in the regular workplace also apply on the Internet.

The County maintains the right to utilize software that makes it possible to identify and/or block access to Internet sites containing sexually explicit or other material deemed inappropriate and/or illegal for the workplace and log any and all aspects of its computer systems and network.

### **Prohibited Uses of Internet**

Employees shall not view, download, or create Internet content that may reasonably be regarded as offensive, obscene, disruptive, illegal, fraudulent, profane, embarrassing or libelous. Users encountering such material should immediately report the incident to the Information Technology department.

Employees shall not use system resources by streaming video or audio.

Employees shall not use system resources for gaming, gambling, social media, and/or storing unrelated County business documentation that is not County related.

### **Intranet/Network**

The private network that serves the employees of Luna County. Network connections (wired or wireless) and infrastructure, including jacks, wiring, switches, patch panels, hubs, routers, firewalls, etc.

Department Directors can have the Information Technology Department lockout any user account belonging to department employees with County Manager notification.

Employees shall keep passwords secure and shall not share accounts. Authorized users are responsible for the security of their passwords and accounts.

Department Directors shall provide, to the Information Technology Department, a list of vendors needing access to their software to install upgrades, enhancements and to provide County personnel software application support.

As per CJIS (Criminal Justice Information System) security policy any vendor performing the duties not limited to an IT technician, network administrator, cyber security officer, software specialist without the supervision of a County employed IT employee shall have to provide accreditation of being CJIS certified, HIPAA certified, and according to the type of technical service they will be providing they must provide Comptia A+, Network+, Server +, Cloud +, Security + etc. certification prior to the signing of any contractual agreements of service. No vendor shall access County Information Technology resources without prior notification to the Information Technology Department.

### **Prohibited Uses**

Employees shall not use Information Technology resources without proper authorization or attempt to obtain privileges for which one is not authorized.

Employees shall not attempt to monitor, intercept, plug into jacks, switches, patch panels, hubs routers, and/or analyze or modify network traffic or transactions not specifically addressed to their computer. As per 18 USC §1030 federal law.

Employees shall not attempt to alter or reconfigure any Luna County Information Technology resources. As per 18 USC §1030 federal law.

As per 18 USC §1030 federal law, employees shall not use software that attempts to discover properties about the public network or computing resources connected to that network.

As per 18 USC §1030 federal law, employees shall not attempt to access, modify and/or delete another user's files, configuration or software.

Employees shall not attempt to permanently delete any records (data) on county equipment.

As per 18 USC §2701 & §1030 federal laws, employees shall not attempt to learn another user's password(s) or personal information. Authorized users should not allow another user to access the Internet or profile using their authorized account.

Employees shall not intentionally or through negligence damage, interfere with the operations of, or prevent authorized access to County information technology resources (example virus, Trojans, malware, spyware, macros, java scripts, etc.).

In order to comply with NIST 800-53 AC-22 & 1A-2 non-employees are expressly forbidden from using any workstation (except the public access workstations) without proper authorization. Should an elected official or department head have a need for a non-employee to access data other than through the public access workstations, he/she may request authorization through the Information Technology Department.

#### **Wireless Networking**

Wireless networking refers to hardware and software combinations that enable two or more applications to share data with each other without direct cable connections. Wireless networking includes cell and satellite phones, pagers, two-way radios, wireless LANs, modems, etc.

#### **Prohibited Uses**

In order to comply with NIST 800-53 AC-18 employees shall not install or use any wireless networking devices without the approval of the Information Technology Department.

#### **Individual Workstations**

An electronic computing device, or laptop or desktop computer, or any other device that performs similar functions and electronic media stored in its immediate environment.

#### **Prohibited Uses**

In order to comply with NIST 800-53 CM10 & CM11 employees shall not copy, install, or use any software or data files in violation of applicable copyrights or license agreements. Employees should contact the Information Technology Department if unsure about the copyright or license agreement that applies to the software in question.

In order to comply with NIST 800-53 IA-1 employees shall not download or install programs. The Information Technology Department will not support unauthorized software and has authority to remove such software from any system.

Employees shall not add or install internal or external hardware and peripherals unless approved by the Information Technology Department. Any unauthorized hardware and peripherals will be removed from the system. Example: USB flash drives, phone cords, cell phones, etc. As per NIST FIPS (Federal Information Processing Standards) 140-2, USB storage peripherals, CD/DVD/Blu-Ray writers/burners will be disabled to comply with PII, PCI, and HIPAA regulations. If a department needs such storage arrangements can be made with the Information Technology Department.

Employees shall not use County owned information technology resources including computer hardware, software, printers, plotters, cameras, Internet, etc., connections for personal use or gain.

County computers will lock after ten (10) minutes of inactivity.

Computers that connect to the County network will need to have up to date software security patches, service packs and critical software updates installed on a regular basis. County departments that are not a 24/7 facility shall power off all workstations, and peripherals (monitors, printers, copiers, plotters) at the end of the business day. This is to minimize breaches, cut power usage consumptions, and allow updates to install.

#### **Mobile Devices**

Mobile devices are defined as but not limited to, laptops, cell phones, tablets, etc. These devices may either be County issued or personal, if used for County business.

Wireless transmission should not be considered secure. County issued devices with VPN capabilities should activate the agency VPN technology when transmitting protected information. Users requesting access will need to have the Department Director submit the work order.

All mobile devices that are connecting to County email system must have a passcode or password to lock the device. In the event that a mobile device that has been approved for connecting to County email systems is lost or stolen the employee must notify the Information Technology Department immediately. The Information Technology Department will take appropriate action to protect against unauthorized access to County data.

Non-exempt or hourly employees will not be expected to utilize their mobile devices for business purposes outside of business hours, unless otherwise stated in their job responsibilities, directed by County Manager, or if the employee is "on call".

#### ***COUNTY ISSUED DEVICES***

The County reserves the right to monitor use of all County-issued mobile devices. Misuse of a County-issued mobile device may result in revocation of the device and disciplinary action against the employee.

#### ***PERSONAL DEVICES USAGE***

Personal devices used to perform County business using the County email system shall only be permitted after the completion of a work order submitted by the Department Director. Such devices using the County email system will have a security suite installed by the Information Technology Department. The user will sign the County Acceptable Use Acknowledgement Form.



County business-related calls or data on an employee's personal mobile device can be subject of an inquiry under the New Mexico Open Records Act.

#### **Social Networking**

County employees' and contractors' use of social networking sites such as, but not limited to Facebook, Twitter, Instagram and similar services:

The County will have one social networking presence which will be managed by authorized individuals as authorized by the County Manager. Use of social networking sites shall be consistent with applicable federal and state laws, regulations, and policies including ethics, privacy, disclosure of protected information, and all Information Technology security and data privacy policies. Employees authorized by the County Manager to connect to, and exchange information with only those sites that are part of County approved social networking presence. Social networking communications is for official use only.

Social networking is not a substitute for inter- or intra-County communications. Such information should be transmitted within normal County communication channels (e.g., in person, via email, intranet), not via a social networking site.

Social networking accounts shall comply with the password requirements, shall use a minimum of eight (8) characters using a number, a special character, a capital letter, and changed accordingly at least every six (6) months. The Information Technology Department shall retain a secured repository of all externally hosted social media accounts. The repository shall contain the names of County staff members responsible for the account, user identifiers, and current authenticators. When a County staff member that manages a social networking, account leaves the County or changes job duties, the account becomes the responsibility of the Department Director.

#### **Hardware/Network Problems**

When hardware problems occur, the problem and its effect on the hardware should be provided to the Information Technology Department for assistance through form of a work order. A link for the work order will be provided via County's website and intranet.

#### **Software Problems**

Employees should become familiar with the software applications they use. If a problem arises the Information Technology Department should be contacted through form of a work order. A link for the work order will be provided via County's website and intranet. Before contacting the Information Technology Department for assistance, the employee should:

- Write down the details of what happened.
- Make a list of what corrective measures were tried.
- Relay this information to the Information Technology Department.

#### **Telephone – Fax**

Telephones are provided as a tool to conduct County business. Non-County business related calls are permitted provided such use is brief, does not interfere with work, does not subject the County to any additional costs or liability, and is otherwise consistent with requirements set forth in this Policy.

#### **Prohibited Uses**

Personal telephone use that increases costs or liability to Luna County are prohibited.

Employees shall not accept collect calls.

Employees shall not use telephones or fax machines to deliver conversations or messages regarded as offensive, obscene, disruptive, illegal, fraudulent, profane, embarrassing or libelous. These include information that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.

#### **Television - Video Resources**

Luna County recognizes the value of using video resources such as broadcast television, cable television, videotapes, and DVDs, for training purposes and to stay informed of local events such as weather and emergencies.

Employees shall only use these resources for work related activities.

#### **Closed Circuit Television Cameras (CCTV)**

The primary purpose of CCTV at Luna County is for the safety and security of employees and visitors. Only sworn law enforcement officers and the Information Technology Department personnel may retrieve CCTV recordings, and then only for the purpose of investigating possible criminal activity or misconduct.

CCTV will be configured to prevent camera operators from tampering with or duplicating recorded information. Law Enforcement will have the ability to duplicate recorded information for investigative purposes.

Recorded video will be stored a minimum of 15 days, unless retained as part of a criminal investigation or court proceedings (criminal or civil).

All recordings will be stored in a secure location with access by the Information Technology Department.

#### **Off Duty Personal Use**

Use of the County's computer system for personal purposes during off duty hours is prohibited.

County owned software shall not be removed from County property for personal use or installed on a personal computer.

#### **Loaning Of Equipment**

Hardware or software (including laptops, projectors, cameras, and other portable equipment) shall not be loaned to non-County personnel except for other government agencies with the approval of the Information Technology Department, or County Manager. All requests for loaner equipment shall be submitted via a work order, with a seventy-two (72) hour notice. Equipment will be picked up at the Information Technology Department and returned to the Information Technology Department within a twenty-four (24) hour period after completion of use. If setup is required of the equipment, the information Technology Department will deliver, setup, and remove equipment as long as the setup information is conveyed via the work order.

### **Confidentiality**

Unless expressly authorized by department management or policy; sending, disclosing, or otherwise disseminating confidential data, protected information, or other confidential information of the County is strictly prohibited. This includes information that is protected under HIPPA, PII, PCI or any other privacy legislation. Additionally, when such confidential or restricted information is transmitted over the Internet, it must be sent in an encrypted form. Exceptional care is to be taken to insure confidential materials are not mistakenly transmitted to unauthorized recipients.

### **Information Technology Equipment Acquisition**

In order to comply with NIST 800-53 SA-3, CM110, & CM11 the Information Technology Department will strategically plan for the information technology needs including but not limited to:

1. The lease, purchase or rental of equipment and software.
2. Compatible model/version of equipment and software to be acquired.
3. Compatible model/version of peripheral equipment including personal data assistants and digital cameras.
4. Purchase of maintenance contracts.
5. Requests for new software or hardware.

Hardware and peripheral devices that are replaced will be turned into the Information Technology Department. Hard Drives will be kept indefinitely in a secure location within the Information Technology Department.

### **Company Lockouts**

All changes in regard to contracted services can only be made by the Information Technology Department Director (or designee).

### **Access to Restricted IT Areas**

In order to comply with NIST 800-123 all access to Restricted Information Technology Department areas including data centers, server rooms, computer rooms, telephone closets, network router and hub rooms, voicemail system rooms, and similar areas containing IT resources are restricted to IT staff and county employees unless otherwise authorized by the IT Director (and/or designee). The IT Director shall maintain an approved list of uniquely identified staff which are allowed unescorted access to the County Data/Server/Comm Closets rooms. Access requires pre-approval by the IT Director and/or designee and records shall be reviewed and updated at least annually. Such granted access whether temporary or permanent shall be documented under maintenance work order system.

### **Information Technology Equipment Disposal**

The Information Technology Department will dispose of retired information technology resources, by submitting a request to the County Manager with the following information:

- Service Tag/Serial #
- Date of retirement
- Express Service Code if available
- County Tag if available
- Department it last resided in
- Type of item being retired

- Any pertinent information for the device

After approval, assets will be marked as retired in the inventory system for the Information Technology Department, and all hard drives will be kept indefinitely in a secure location within the Information Technology Department. Disposal of the rest of the electronic equipment may be done on a yearly basis, and shall be shredded or crushed, prior to disposing of.

### **LUNA COUNTY ACCEPTABLE USE POLICY**

#### **COUNTY EMPLOYEES POLICY STATEMENT**

It is the policy of Luna County to provide access to computers with Internet access, to its employees, and interns as necessary for business purposes. The use of Luna County computer resources and networks are for authorized use only. These resources are to be used in an appropriate, lawful, and ethical manner. All activity may be monitored and reported at any time. It is the responsibility of each person accessing the Internet, and Luna County data to use sound judgment.

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---By using these resources, I agree to comply with Luna County Acceptable Use Policy, as stated in the Information Technology Use Policy. I understand that violators are subject to administrative disciplinary action, and/or criminal prosecution.

-----  
---By clicking on the OK button below, I am signing that I have read, understand, and agree to comply with the Luna County Acceptable Use Policy.

#### **MIMBRES LEARNING CENTER POLICY STATEMENT**

It is the policy of Luna County to provide access to the Internet to its employees, interns, and Mimbres Learning Center students as necessary for business and school purposes. The use of Luna County computer resources and networks are for authorized use only. These resources are to be used in an appropriate, lawful, and ethical manner. All activity may be monitored and reported at any time. It is the responsibility of each person accessing the Internet to use sound judgment.

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---By using these resources, I agree to comply with Luna County Acceptable Use Policy, as stated in the Information Technology Use Policy. I understand that violators are subject to administrative disciplinary action, and/or criminal prosecution.

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---By clicking on the OK button below, I am signing that I have read, understand, and agree to comply with the Luna County Acceptable Use Policy.

#### **HEALING HOUSE POLICY STATEMENT**

It is the policy of Luna County to provide access to computers with Internet access, to its employees, interns, and Healing House temporary residents as necessary for business, case, and job seeking purposes. The use of Luna County computer resources and networks are for authorized use only. These resources are to be used in an appropriate, lawful, and ethical manner. All activity may be monitored and reported at any time. It is the responsibility of each person accessing the Internet, and Luna County data to use sound judgment.

-----  
---By using these resources, I agree to comply with Luna County Acceptable Use Policy, as stated in the Information Technology Use Policy. I understand that violators are subject to administrative disciplinary action, and/or criminal prosecution.  
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---By clicking on the OK button below, I am signing that I have read, understand, and agree to comply with the Luna County Acceptable Use Policy.

#### **PUBLIC ACCESS COMPUTER POLICY STATEMENT**

It is the policy of Luna County to provide access to computers with Internet access, to its employees, interns, and public as necessary for business, and research purposes. The use of Luna County computer resources and networks are for authorized use only. These resources are to be used in an appropriate, lawful, and ethical manner. All activity may be monitored and reported at any time. It is the responsibility of each person accessing the Internet, and Luna County data to use sound judgment.

-----  
---By using these resources, I agree to comply with Luna County Acceptable Use Policy, as stated in the Information Technology Use Policy. I understand that violators are subject to administrative disciplinary action, and/or criminal prosecution.  
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---By clicking on the OK button below, I am signing that I have read, understand, and agree to comply with the Luna County Acceptable Use Policy.

#### **Security Awareness and Data Security & Privacy Training Policy**

Security and data compliance starts with awareness that every employee plays a role in security.

All County technology users will be provided Security Awareness and Data Security & Privacy Training(s) and the Information Technology Department will track participation.

All employees are required to complete Security Awareness and Data Security & Privacy Training within ten days of their start date and, minimally, on an annual basis thereafter.

Newly hired employees will receive copies of the most current IT Security Policies and IT Handbook in either digital or print format during the issuing of their County electronic devices, and training. This shall be done within five days of hire, and the Luna County Acceptable Use Acknowledgement form will be completed. The Information Technology Department will thence place the form in employee's computer file and the original will be given to Human Resources Department. The form acknowledges that Luna County Security Policies and Data Security & Privacy Training were received and were completed, as well as acceptance of the hardware and information technology resources.

Attendance of the trainings shall be tracked with successful completion to be documented and retained in accordance to County data retention schedule.

The Security Awareness and Data Security & Privacy Training program must include any requirements unique to the County. All materials shall be reviewed and, where required, updated annually.

Security Awareness and Data Security & Privacy Training shall address the following topics at a minimum:

- Passwords including creation, changing, aging and confidentiality
- Privacy and proper handling of sensitive information
- Physical security
- Social engineering
- Identity theft avoidance and action
- Email usage
- Internet usage
- Malware, Trojans, Virus, Ransomware, etc.
- Software usage, copyrights and file sharing
- Portable devices
- Proper use of encryption devices
- Reporting of suspicious activity and abuse
- Social media usage
- Criminal Justice Information System (CJIS)

#### **Data Governance Program Standard System Configuration & Application Protection Policy**

This policy ensures a consistent and standardized security process is maintained for both the infrastructure and application development processes across all of the County's assets. This will apply to all employees or contractors hired by the County and impacts all information systems that process or transmit County data.

#### **SYSTEM CONFIGURATION**

The Information Technology department shall build information systems from a standard configuration baseline document which is reviewed to ensure that the baseline is synchronized with the Default Security Plan. The configuration baseline shall include the component specifications along with their corresponding security controls.

Before being deployed to the production systems, there must be confirmation that the system meets the applicable configuration standards. Systems must also comply with the asset inventory management requirements.

The default security plan shall include a requirement in which all collaborative infrastructure devices, such as video and teleconferencing, be configured to prohibit remote activation.

#### **APPLICATION PROTECTION**

The Information Technology Director and/or designee shall create an application standard that outlines the specific principles and procedures that application developers must follow. The Information Technology Director and/or designee shall establish an application lifecycle methodology that includes security considerations within all identified stages. An application testing and evaluation plan shall be developed for each application and include multiple levels of security testing.

All County applications shall separate user functionality by assigning elevated privileges to Administrative accounts, and limiting functionality to lesser privileged accounts. With this in place, the interface presented to lesser privileged accounts cannot access the administrative components.

All County information systems shall display a system notification prior to accessing their account. The notification will indicate: the user is accessing a Luna County information system; that system usage is monitored, logged and subject to audit; that unauthorized use is prohibited and subject to punitive action;

and that use of the information system implies consent to these controls. The notification is displayed until the user acknowledges it prior to completing authenticated system access.

The County shall specify and provide the acceptable methods for establishing remote sessions. County users must be approved before being granted access to utilize a remote session. Any unauthorized means of remote access will be subject to disciplinary action.

Remote sessions shall be encrypted and accessed only through County hardware. All County hardware must be configured to capture session information in a manner which can be audited.

Consoles of computer systems shall be locked after a period of no more than ten (10) minutes of inactivity.

Remote sessions are terminated after a period of no more than thirty (30) minutes of inactivity. Both Console and Remote locked out sessions will require re-authentication before returning to an active session. Remote access to information systems shall be strictly controlled requiring unique user accounts. Non-County remote devices requiring network connectivity must conform to County security requirements.

All work done (including maintenance) by Information Technology staff shall be documented through the work order system in place. Any Information Technology staff that does not document their work through the work order system may be subject to disciplinary action.

#### **Exception to Prohibited Use**

Law enforcement personnel and Information Technology Department personnel may engage in use that is listed above as prohibited when such use is necessary to perform their law enforcement, legal, and information technology administration duties and he/she has received advance approval from his/her supervisor. It is recommended that supervisors and Department Directors provide the Information Technology Department with notice of authorized use.

#### **Violation of Policy**

Any employee found to be in violation of any provision of this Policy may be subject to disciplinary action up to and including dismissal, civil and criminal liability. Non-employees including contractors will be subject to termination of contractual agreements, denial of access and/or penalties both criminal and civil.

#### **Reporting Violations**

Employees shall report violations of this policy to their supervisor or Department Directors, or the Information Technology Department. To the extent possible reports shall be handled with confidentiality.

#### **Right to Appeal**

Any employee who feels that he or she has not been treated fairly with regard to an application of this Policy may file a complaint with the County Manager's office.

#### **Effective Date**

All provisions of this policy shall be effective upon the approval of the County Commission.

**Revision History**

*January 16, 2020 –Final Draft*

**Approval**

**ADOPTED BY THE COUNTY COMMISSIONERS OF LUNA COUNTY, NEW MEXICO, THIS \_\_\_\_  
DAY OF \_\_\_\_\_ 2020.**

\_\_\_\_\_  
**JOHN S. SWEETSER  
DISTRICT 3 COMMISSIONER**

\_\_\_\_\_  
**LINDA M. SMRKOVSKY  
DISTRICT 2 COMMISSIONER**

\_\_\_\_\_  
**BARBARA L. REEDY  
DISTRICT 1 COMMISSIONER**

\_\_\_\_\_  
**ATTEST: ANDREA RODRIGUEZ  
COUNTY CLERK**



**Luna County Resolution  
No. 13-28**

**Luna County Indigent Health Care Program  
Policy and Procedures Manual**

Effective as of July 1, 2013

**Approved by the Luna County Board of County  
Commissioners on  
May 9, 2013**

# AMENDMENT TO

## Luna County Resolution

### No. 13-28

The Luna County Board of County Commissioners desires to amend certain Section 1 of the Luna County Indigent Health Care Program Policy and Procedures Manual to include the following paragraph at the end of Section 1:

#### SECTION 1


#### THE APPLICANT AND APPLICATION

In order to comply with the Affordable Health Care Act, all patients applying for Indigent Funds must first participate in the application process for the New Mexico Health Exchange. Any patient refusing to participate in the application process for the New Mexico Health Exchange will not be eligible for Luna County Indigent Funds.

LUNA COUNTY BOARD  
OF COUNTY COMMISSIONERS

By \_\_\_\_\_  
Jay Spivey, Chairperson

ATTEST:

  
Andrea Rodriguez, Luna County Clerk

Mission Statement

The Luna County Indigent Health Care Program's mission is to promote the health and well being of residents of Luna County through programs which improve access and availability of health care services in the community.

Vision Statement

The vision of the Luna County Indigent Health Care Program is to improve the quality of life in Luna County by identifying and addressing the health care needs of the residents of Luna County through collaboration with community partners.

## INTRODUCTION

The Luna County Indigent Health Care Program (“IHC”) is a program administered by the Board of County Commissioners, in its capacity as the Indigent Hospital and County Health Care Board (“Board”). The IHC program was established in accordance with the Indigent Hospital and County Health Care Act, NMSA 1978, §27-5-1 through 27-5-18 (“Indigent Act”).

The program provides assistance to medically indigent patients (“Patients”) who are residents of Luna County for authorized costs of ambulance and health care services (“Services”) provided by IHC designated health care providers (“Providers”). Providers eligible for IHC funding include in-state ambulance services and in-state hospitals licensed by the New Mexico Department of Health. Services may include in-patient and/or out-patient hospital services. Out-patient hospital service may include diagnostics, such as labs and radiology, limited to Mimbres Memorial Hospital.

## SECTION 1

### THE APPLICANT AND APPLICATION

The applicant must be the Patient. If the Patient is a minor, a parent or legal guardian having legal custody must file the application. In the event of the death of the Patient, the applicant shall be either the surviving spouse or the executor or administrator of the estate. If the Patient is incapacitated, the applicant shall be the guardian, conservator, or other legally responsible party.

The application process and income verification for Patients who have received Services by any Provider within Luna County will be processed and submitted by those institutions in cooperation with the Luna County IHC Coordinator(s). In some cases, Patients may apply directly to the IHC program office, but in either case, reimbursement is always made to the Provider directly.

The Provider staff shall provide application materials, schedule an interview with each Patient, and provide assistance in completing the application and verification process. The Provider staff

shall ensure that the application is complete and all necessary verification documents to prove eligibility are attached. The Provider staff shall attach a claim statement and itemized bill to each application and submit the claim to the IHC staff at 700 South Silver Avenue, Deming, NM 88030. A separate application and claim must be filed for each Patient. No application will be accepted by the Provider staff prior to the Patient receiving Services. Failure to properly complete the application or to provide eligibility documentation may result in denial of the claim. Applications for Services by Providers outside of Luna County must be submitted by the Patient directly to the IHC staff for processing.

The Patient must sign a verified statement of qualification which shall constitute an oath of the person signing it, and any false statements in the verified statement made knowingly constitute a felony. All claims and applications and any information contained therein shall be subject to verification by the IHC staff.

Applications are valid for one year from application date, except in certain cases where the IHC staff finds that information must be updated with each claim.

Where Services have been rendered to a prisoner incarcerated in Luna County Detention Center, or to a Patient who is unable to provide traditional documentation to verify eligibility, the program/facility administrator or representative may attest to the Patient's indigency and residency; provided that the means of determining eligibility shall be part of his or her record at that facility and shall be available for auditors upon request.

## SECTION 2

### THE INDIGENT PATIENT

*In order to be eligible for IHC program assistance, a Patient must be medically indigent as defined by New Mexico Statute §27-5-4 C., must be a resident of Luna County and must **not** be eligible for Medicaid.*

A Patient who has received Services from an IHC designated Provider, and who can normally support himself/herself and dependents on present income and available liquid assets, but, taking into consideration this income and those assets and the requirement for other necessities of life for himself/herself and dependents, is unable to pay the costs of ambulance transportation or medical services or both is defined as medically indigent. As provided by the Luna County Commission "it shall not include any person whose annual income together with his spouse's annual income totals an amount which is fifty percent (50%) greater than the per capita personal income" for New Mexico as shown for the most recent year available in the survey of current business published by the United State Department of Commerce. See Attachment A for the income limits.

The term Patient includes a minor who has **been denied Medicaid**, and has received Services from a Provider, and whose parent or the person having legal custody of that minor would qualify as a Patient if they received Services from a Provider.

“Necessities of life” is defined to include the costs of food, shelter, clothing, utilities and vehicle/transportation expenses.

Luna County IHC Board has set financial guidelines dealing with income and assets, in addition to residency requirements, in order to determine if a Patient is eligible for IHC assistance.

### SECTION 3

#### THIRD PARTY LIABILITY

If there is a liability claim pending such Workman’s Compensation, a lawsuit due to bodily injury, or another third party claim, IHC claims will be processed and held by IHC staff until information detailing the outcome of such liability claims is provided. The Patient must demonstrate that no other source of payment exists. If the Patient has or plans to file a personal injury lawsuit, the application must agree to subrogation.

Failure of the Patient to have available Health Care insurance through their employer or private source shall not be considered by the Board to determine eligibility.

### SECTION 4

#### OTHER ASSISTANCE PROGRAMS

The IHC Program is the payer of last resort. The Provider staff shall make all reasonable efforts to determine whether or not the Patient is eligible under any other public or private assistance program, such as Medicaid, Medicare or Indian Health Services.

The Provider staff shall require the Patient to apply for medical assistance through all agencies available. The Patient shall provide a letter from such agencies determining the approval or denial and this shall be part of the verification process. Failure to cooperate in seeking assistance through other government agencies will be grounds for denial of the IHC claim.

A Provider shall not be paid by the IHC funds for any costs when the Patient has been determined by the Human Services Department to be eligible for Medicaid or any other assistance form HSD.

If a Patient has applied for assistance under the New Mexico Crime Victims Reparation Commission, the State requires that all collateral sources such as health insurance and programs such as the IHC Program be exhausted before assistance may be granted. In these cases, the Crime Victims Reparation Commission is the payer of last resort.

## SECTION 5

### RESIDENCY

The Patient must be domiciled in Luna County continuously and without interruption for at least three months (90 days) prior to the date of Service. U.S. Citizenship is not required; however, non-citizens must provide resident alien status. Only those individuals who have demonstrated that they are a permanent legal resident may be eligible to receive assistance from the IHC. Patients who reside out of the county for periods of time on a temporary basis, including temporary employment, job training, and full time students with intent to return to the county of residence may be considered for IHC assistance based on the weight of the evidence presented to the Board. Under certain circumstances, the Patient may be asked to show intent to remain in Luna County.

Residents of Luna County who are full time students attending school in New Mexico but out of Luna County **may** qualify for IHC assistance. Such Patients will be taken into consideration on a case-by-case basis.

A minor child is eligible for IHC assistance only if his/her custodial parent resides in Luna County and only if the custodial parent would qualify to receive IHC assistance. If only one of the parents of a minor child of separated or divorced parents resides in Luna County, the applicant must produce any Separation Agreement or Divorce Decree which pertains to the custody of the minor child and to the responsibility for payment of medical expenses.

## SECTION 6

### ASSETS

“Liquid assets” are defined to include cash and all other funds in checking accounts, savings accounts, certificates of deposit, credit union accounts, stocks, bonds, equity in real estate (other than the Patient’s primary home), and trusts.

The asset limit for a household of one is \$10,000.00; for a household of two is \$20,000.00; and for a household of three or more is \$30,000.00. The asset limit for widow/widowers is \$20,000.00.

Exempt all liquid assets if the medical bill(s) exceed the amount of savings of the household.

Exempt all or part of allowable asset limit if a Patient has high medical costs due to a catastrophic illness or injury. The Patient is required to provide a doctor’s report stating the nature of the illness or injury, and the Patient’s prognosis.

Life insurance shall be exempted.

Assets may be spent down to allowable limits by paying doctor bills, other medical expenses or burial expenses not covered under the IHC Program. Documentation must be provided.

## SECTION 7

### INCOME VERIFICATION/COMPUTATION

The gross income based on the number of individuals in the household unit size cannot exceed 150% of the Per Capita Income for New Mexico.

If the Income Level is equal to or greater than the Personal Per Capita Income for New Mexico residents, as set forth in NMSA 1978 §27-5-4, then the Patient is not designated as an “indigent patient.”

For the purpose of determining household unit size, household members to be included are the Patient, the Patient’s spouse, and the Patient’s Legal Dependents. All Patients may be required to provide tax returns, check stubs, award letters, profit/loss statements, trust documents, etc. to the Provider or IHC staff as part of the income verification process. All sources of income, earned or unearned by the household may be considered.

Current income will be considered as income received twelve months prior to the date of Service, the twelfth month will be the month of the date of Service. The income of a deceased Patient will not be included.

Additional relevant information may be required by the IHC staff and may be requested by telephone and/or by a letter allowing up to thirty (30) days for the applicant to respond to such a request. Failure to comply will result in the claim being administratively deleted or submitted by the IHC staff to the Board with a recommendation of denial.

#### Special Circumstances:

- A. If the applicant is an unwed mother, the annual income of the father of the baby is included as the spouse’s annual income when calculating the combined annual income.
- B. Unwed couples who are living together are treated the same as married couples. Their annual incomes are combined.
- C. Couples who have been separated or divorced for less than twelve months count all income for twelve months prior to hospitalization as combined annual income.

Extenuating Circumstances: Approval may be granted in cases where the Patient’s household experiences a loss of income or has high medical debt due to extenuating circumstances such as, but not limited to, a catastrophic illness or injury of a household member. The Patient may be required to provide a doctor’s report stating the nature of the illness or injury, and the Patient’s



prognosis. IHC staff may recommend approval for the full period of eligibility, or for a one-time payment for the submitted claim or episode, based on the weight of evidence received and documentation provided by the Patient.

#### Income Computation:

The tax return for the prior year is the basis for determining income in most situations. Whatever is stated to the IRS will apply on dependency and income, unless status has changed. No deductions will be made for number of dependents in the household.

- A. If the applicant has been steadily employed, use the prior year's tax return, and/or payroll check stubs for twelve months prior to hospitalization. Employers' letter of income verification may be needed.
- B. If the applicant has had variable employment, use the three prior years' tax returns, payroll check stubs for twelve months prior to hospitalization and verification of income by letters from employers.
- C. If the applicant is self-employed, income is the net profit or loss shown on Line 33, Form 1040 of Schedule C, plus any other income available from other sources.
- D. If the applicant is a farm-laborer or occasional part-time employee, use the prior year's income tax return unless the applicant can provide proof of income for each of the twelve months prior to hospitalization.
- E. If the Patient is a dependent (at any age) and the dependent has income, then the dependent's income may be included with the income calculation.
- F. If the Patient is a dependent (at any age), the parent's or guardian's income is considered in the income calculation.
- G. Depreciation is not an allowable deduction to income.
- H. Unearned income shall be verified by income tax returns, award letters or viewing checks. Worker's Compensation and Unemployment Compensation shall be counted as unearned income.
- I. Two or more households may be living under one roof but are not one economic unit. This can best be established by their income tax returns which will determine if the income(s) will be considered one household.

### SECTION 8

#### SMALL CLAIMS

IHC Claims from any Provider in the amount of \$100.00 or less will not be considered for payment by the IHC Program.

### SECTION 9

#### LIMITATIONS ON IHC PAYMENTS

An eligible applicant may receive up to \$7,500.00 total for all hospitalization and emergency transport services per fiscal year (July 1 through June 30). The fiscal year shall be determined by the date of Service. Claims are accepted for the current fiscal year and the previous fiscal year. Claims for services provided prior to the previous fiscal year will not be accepted.

Services are reimbursed on the following rates:

Hospitalization:

- A. Mimbres Memorial Hospital – up to \$7,000.00 annually, with the single visit minimum of \$100.00 or greater. Room rates must be semi-private. Reimbursement is paid at Medicaid eligible rates.
- B. Any New Mexico Hospital – up to \$3,000.00 annually, with a single visit minimum of \$100.00 or greater. Payments for Services provided outside of Luna County is limited to medically necessary inpatient hospital claims reimbursed at the Medicaid rate, but not to exceed the limitations set forth herein.
- C. Any non-New Mexico hospital – no reimbursement.

Ambulance/Emergency Transport Services:

Emergency transport services (ground or air) may be reimbursed at a maximum of \$500.00 per claim. The transport of a Patient must be by an approved New Mexico certified ambulance provider. The expense incurred includes the care and transport of a patient to the “nearest” hospital.

The IHC fund is not intended to serve as reimbursement to the Patient/guarantor for payments previously made to the Provider by the Patient/guarantor.

Payments from the IHC fund shall not be considered for:

- A. Elective services, or Services not considered a medical necessity; or
- B. Treatment which includes a more expensive procedure or product when a less expensive procedure or product is available; or
- C. Work-related injuries that are covered by the New Mexico Workers’ Compensation Act; or
- D. Services that have been determined by the New Mexico Human Services Department to be eligible for Medicaid reimbursement; or
- E. Medicare and other third-party insurance deductibles and co-pays, except for Services rendered at the Sole Community Provider Hospital.

All payments for any services are limited to funding availability. A claim made to the Board for payment for the care of an indigent patient shall not expire or become invalid because of a lack of money in the fund during any fiscal year but shall be carried over into the ensuing fiscal year.

The County reserves the right to augment funding only for entities providing health care and primary care services for which the County acts as fiscal agent, pursuant to NMAC §27-5-12, Paragraph B.

Other services will be reimbursed as allowed by NMAC §27-5-12 and as approved and reviewed by the Board on a case-by-case basis.

#### SECTION 10

##### PATIENT/APPLICANT RESPONSIBILITIES

Proof of financial eligibility and residency is the responsibility of the Patient. Failure to provide the required information may lead to denial of the application by the IHC staff.

It is also the responsibility of the Patient to provide proof of all means of support from all sources.

#### SECTION 11

##### RIGHTS AND DUTIES OF PROVIDERS

Providers shall comply with the standards of the federal Health Insurance Portability and Accountability Act of 1996 ("HIPPA").

##### **Required Filings:**

Prior to filing any claim with the Board every Provider shall place on file the following information per NMSA 1978 §27-5-11 (A):

1. Current data, statistics, schedules and information deemed necessary by the Board to determine the cost for all Patients in that hospital or cared for by that health care provider or tariff rates for charges of an ambulance service; and
2. Proof that that Provider is licensed under the laws of this state or any state or other governmental entity in which the health care provider operates; and
3. Any other information or data that may be deemed necessary by the Board.

§27-5-11 (B): A sole community provider hospital requesting or receiving Medicaid Sole Community Provider hospital payments shall:

1. Accept **indigent** patients and request reimbursement for those patients through the appropriate county indigent fund. The responsible county shall approve requests meeting its eligibility standards and notify the hospital of such approval;
2. Confirm the amount of payment authorized by each county for indigent patients, to that county for the previous fiscal year, by September 30 of each calendar year;

3. Negotiate with each county the amount of indigent hospital payments anticipated for the following fiscal year by December 31 of each year; and
4. Provide to the department prior to January 15 of each year the amount of the authorized indigent hospital payments anticipated for the following fiscal year after an agreement has been reached on the amount with each responsible county and such other related information as the department may request.

The Provider staff shall provide the Patient with a list stating the documents that are needed to provide the information necessary to complete the verification process.

The Provider staff is responsible to specify the date by which documentation must be provided. Care will be exercised to allow a reasonable length of time, not to exceed ninety (90) days, for the applicant to gather all necessary documentation. If the patient requests additional time, the request may be honored, but the Patient must specify a reasonable date which may not exceed 15 days of the date of the request. If the information is not provided, the claim may be submitted to the IHC staff with a request for a denial.

To verify applications:

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 presentation to the IHC Board for review.

The amount approved for payment from the IHC Funds shall be accepted and deemed by the Provider as payment in full. Any collection action against the Patient for any portion of the bill not covered by IHC Funds is prohibited.

## SECTION 12

### IHC STAFF RESPONSIBILITIES

The IHC staff will retain computerized case records for a period of not less than five (5) years.

Case records will be periodically purged when it is evident that the information is no longer valid or necessary and the time limitation for retention of records has expired.

The IHC staff will request from the Finance Department a warrant for payment of approved claims on a monthly basis.

The Luna County Treasurer's Office and the Business Office for Luna County shall maintain all IHC records of payment.

Confidentiality:

- A. The IHC staff shall comply with the standards of the federal Health Insurance Portability and Accountability Act of 1996 ("HIPPA").
- B. All records dealing with physical or mental examinations or medical treatment of patients are not public records and shall remain confidential unless otherwise provided by law.

SECTION 13

AUTHORITY OF THE BOARD

The IHC Board has complete authority to authorize payment from the IHC Fund.

The Board shall state in writing the reason for rejecting or disapproving any claim to the applicant via the IHC staff and provide a copy of that determination to the Provider.

The IHC Board may under extenuating circumstances deemed appropriate, increase or decrease any payment on behalf of an indigent patient.

SECTION 14

OPEN MEETINGS LAW

The meeting of a Board quorum which is held for the purpose of approving, denying, hearing appeals of Patients, or to discuss other business within its authority shall be held in compliance with the Open Meetings Law. The Board may use a numbering or lettering system to keep confidential the identity of the individual whose claim is being discussed.

SECTION 15

APPEALS

If denied a claim, an applicant may appeal the decision in writing to the Indigent Funds Claims Board within 30 days of notification of denial. A written appeal should be addressed to:

Indigent Funds Claims Board

PO Drawer 551

Deming, NM 88031-0551

The Claims Administrator will inform the applicant in writing of the time and place of the applicant's hearing with the Indigent Funds Claims Board. The Claims Administrator may also request additional information at that time.

A meeting of the Indigent Claims Funds Board is held for the purpose of hearing the appeals of applicants. The Board may use a numbering or lettering system to keep confidential the identity of the individual whose claim is being discussed, unless the appealing applicant wishes to address the Board.

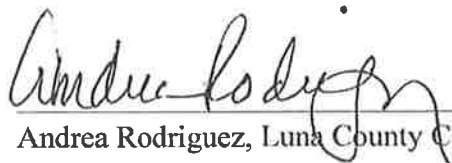
All decisions of the Board are final.

The Patient will be notified in writing within 10 days of the Board's decision. If the Board upholds the eligibility denial, the Patient has the right to file an appeal with District Court.

LUNA COUNTY BOARD  
OF COUNTY COMMISSIONERS

By   
R. Javier Diaz, Chairperson

ATTEST:

  
Andrea Rodriguez, Luna County Clerk





# Luna County Resolution

## No. 20-18

REPLACES

Luna County Resolution No. 13-28

### Luna County Indigent Health Care Program Policy and Procedures

Effective as of March 1, 2020

Approved by the Luna County Board of County  
Commissioners on  
February 13, 2020





### Mission Statement

The Luna County Indigent Health Care Program's mission is to promote the health and well being of residents of Luna County through programs which improve access and availability of health care services in the community.

### Vision Statement

The vision of the Luna County Indigent Health Care Program is to improve the quality of life in Luna County by identifying and addressing the health care needs of the residents of Luna County through collaboration with community partners.



## INTRODUCTION

The Luna County Indigent Health Care Program (“IHC”) is a program administered by the Board of County Commissioners, in its capacity as the Indigent Hospital and County Health Care Board (“Board”). The IHC program was established in accordance with the Indigent Hospital and County Health Care Act, NMSA 1978, §27-5-1 through 27-5-18 (“Indigent Act”).

The program provides assistance to medically indigent patients (“Patients”) who are residents of Luna County for authorized costs of ambulance and health care services (“Services”) provided by IHC designated health care providers (“Providers”). Providers eligible for IHC funding include in-state ambulance services and in-state hospitals licensed by the New Mexico Department of Health. Services may include in-patient and/or out-patient hospital services. Out-patient hospital service may include diagnostics, such as labs and radiology, limited to Mimbres Memorial Hospital.

The Program shall also be utilized for Primary Care Services, Physicians and for other services as deemed necessary by the IHC Administrator for individuals held at the Luna County Detention Center. This includes providing for payment of medical claims by individuals committed to the custody of the Luna County Detention Center.

## SECTION 1

### THE APPLICANT AND APPLICATION

The applicant must be the Patient. If the Patient is a minor, a parent or legal guardian having legal custody must file the application. In the event of the death of the Patient, the applicant shall be either the surviving spouse or the executor or administrator of the estate. If the Patient is incapacitated, the applicant shall be the guardian, conservator, or other legally responsible party.

The application process and income verification for Patients who have received Services by any Provider within Luna County will be processed and submitted by those institutions in cooperation with the Luna County IHC Coordinator(s). In some cases, Patients may apply directly to the IHC program office, but in either case, reimbursement is always made to the Provider directly.



The Provider staff shall provide application materials, schedule an interview with each Patient, and provide assistance in completing the application and verification process. The Provider staff shall ensure that the application is complete and all necessary verification documents to prove eligibility are attached. The Provider staff shall attach a claim statement and itemized bill to each application and submit the claim to the IHC staff at 700 South Silver Avenue, Deming, NM 88030. A separate application and claim must be filed for each Patient. No application will be accepted by the Provider staff prior to the Patient receiving Services. Failure to properly complete the application or to provide eligibility documentation may result in denial of the claim. Applications for Services by Providers outside of Luna County must be submitted by the Patient directly to the IHC staff for processing.

The Patient must sign a verified statement of qualification which shall constitute an oath of the person signing it, and any false statements in the verified statement made knowingly constitute a felony. All claims and applications and any information contained therein shall be subject to verification by the IHC staff.

Applications are valid for one year from application date, except in certain cases where the IHC staff finds that information must be updated with each claim.

Where Services have been rendered to a person incarcerated in Luna County Detention Center, or to a Patient who is unable to provide traditional documentation to verify eligibility, the program/facility administrator or representative may attest to the Patient's indigency and residency; provided that the means of determining eligibility shall be part of his or her record at that facility and shall be available for auditors upon request.

## SECTION 2

### THE INDIGENT PATIENT

*In order to be eligible for IHC program assistance, a Patient must be medically indigent as defined by New Mexico Statute §27-5-4 C., must be a resident of Luna County and must **not** be eligible for Medicaid.*

Individuals committed to the custody of the Luna County Detention Center shall be considered medically indigent for the purposes of this policy.

A Patient who has received Services from an IHC designated Provider, and who can normally support himself/herself and dependents on present income and available liquid assets, but, taking into consideration this income and those assets and the requirement for other necessities of life for himself/herself and dependents, is unable to pay the costs of ambulance transportation or medical services or both is defined as medically indigent. As provided by the Luna County Commission "it shall not include any person whose annual income together with his spouse's annual income totals an amount which is fifty percent (50%) greater than the per capita personal



income” for New Mexico as shown for the most recent year available in the survey of current business published by the United State Department of Commerce. See Attachment A for the income limits.

The term Patient includes a minor who has **been denied Medicaid**, and has received Services from a Provider, and whose parent or the person having legal custody of that minor would qualify as a Patient if they received Services from a Provider.

“Necessities of life” is defined to include the costs of food, shelter, clothing, utilities and vehicle/transportation expenses.

Luna County IHC Board has set financial guidelines dealing with income and assets, in addition to residency requirements, in order to determine if a Patient is eligible for IHC assistance.

### SECTION 3

#### THIRD PARTY LIABILITY

If there is a liability claim pending such Workman’s Compensation, a lawsuit due to bodily injury, or another third party claim, IHC claims will be processed and held by IHC staff until information detailing the outcome of such liability claims is provided. The Patient must demonstrate that no other source of payment exists. If the Patient has or plans to file a personal injury lawsuit, the application must agree to subrogation.

Failure of the Patient to have available Health Care insurance through their employer or private source shall not be considered by the Board to determine eligibility.

### SECTION 4

#### OTHER ASSISTANCE PROGRAMS

The IHC Program is the payer of last resort. The Provider staff shall make all reasonable efforts to determine whether or not the Patient is eligible under any other public or private assistance program, such as Medicaid, Medicare or Indian Health Services.

The Provider staff shall require the Patient to apply for medical assistance through all agencies available. The Patient shall provide a letter from such agencies determining the approval or denial and this shall be part of the verification process. Failure to cooperate in seeking assistance through other government agencies will be grounds for denial of the IHC claim.

A Provider shall not be paid by the IHC funds for any costs when the Patient has been determined by the Human Services Department to be eligible for Medicaid or any other assistance form HSD.





If a Patient has applied for assistance under the New Mexico Crime Victims Reparation Commission, the State requires that all collateral sources such as health insurance and programs such as the IHC Program be exhausted before assistance may be granted. In these cases, the Crime Victims Reparation Commission is the payer of last resort.

## SECTION 5

### RESIDENCY

The Patient must be domiciled in Luna County continuously and without interruption for at least three months (90 days) prior to the date of Service. U.S. Citizenship is not required; however, non-citizens must provide resident alien status. Only those individuals who have demonstrated that they are a permanent legal resident may be eligible to receive assistance from the IHC. Patients who reside out of the county for periods of time on a temporary basis, including temporary employment, job training, and full time students with intent to return to the county of residence may be considered for IHC assistance based on the weight of the evidence presented to the Board. Under certain circumstances, the Patient may be asked to show intent to remain in Luna County.

Residents of Luna County who are full time students attending school in New Mexico but out of Luna County **may** qualify for IHC assistance. Such Patients will be taken into consideration on a case-by-case basis.

A minor child is eligible for IHC assistance only if his/her custodial parent resides in Luna County and only if the custodial parent would qualify to receive IHC assistance. If only one of the parents of a minor child of separated or divorced parents resides in Luna County, the applicant must produce any Separation Agreement or Divorce Decree which pertains to the custody of the minor child and to the responsibility for payment of medical expenses.

## SECTION 6

### ASSETS

“Liquid assets” are defined to include cash and all other funds in checking accounts, savings accounts, certificates of deposit, credit union accounts, stocks, bonds, equity in real estate (other than the Patient’s primary home), and trusts.

The asset limit for a household of one is \$10,000.00; for a household of two is \$20,000.00; and for a household of three or more is \$30,000.00. The asset limit for widow/widowers is \$20,000.00.

Exempt all liquid assets if the medical bill(s) exceed the amount of savings of the household.



Exempt all or part of allowable asset limit if a Patient has high medical costs due to a catastrophic illness or injury. The Patient is required to provide a doctor's report stating the nature of the illness or injury, and the Patient's prognosis.

Life insurance shall be exempted.

Assets may be spent down to allowable limits by paying doctor bills, other medical expenses or burial expenses not covered under the IHC Program. Documentation must be provided.

## SECTION 7

### INCOME VERIFICATION/COMPUTATION

The gross income based on the number of individuals in the household unit size cannot exceed 150% of the Per Capita Income for New Mexico.

If the Income Level is equal to or greater than the Personal Per Capita Income for New Mexico residents, as set forth in NMSA 1978 §27-5-4, then the Patient is not designated as an "indigent patient."

For the purpose of determining household unit size, household members to be included are the Patient, the Patient's spouse, and the Patient's Legal Dependents. All Patients may be required to provide tax returns, check stubs, award letters, profit/loss statements, trust documents, etc. to the Provider or IHC staff as part of the income verification process. All sources of income, earned or unearned by the household may be considered.

Current income will be considered as income received twelve months prior to the date of Service, the twelfth month will be the month of the date of Service. The income of a deceased Patient will not be included.

Additional relevant information may be required by the IHC staff and may be requested by telephone and/or by a letter allowing up to thirty (30) days for the applicant to respond to such a request. Failure to comply will result in the claim being administratively deleted or submitted by the IHC staff to the Board with a recommendation of denial.

Special Circumstances:

- A. If the applicant is an unwed mother, the annual income of the father of the baby is included as the spouse's annual income when calculating the combined annual income.
- B. Unwed couples who are living together are treated the same as married couples. Their annual incomes are combined.
- C. Couples who have been separated or divorced for less than twelve months count all income for twelve months prior to hospitalization as combined annual income.



Extenuating Circumstances: Approval may be granted in cases where the Patient's household experiences a loss of income or has high medical debt due to extenuating circumstances such as, but not limited to, a catastrophic illness or injury of a household member. The Patient may be required to provide a doctor's report stating the nature of the illness or injury, and the Patient's prognosis. IHC staff may recommend approval for the full period of eligibility, or for a one-time payment for the submitted claim or episode, based on the weight of evidence received and documentation provided by the Patient.

#### Income Computation:

The tax return for the prior year is the basis for determining income in most situations. Whatever is stated to the IRS will apply on dependency and income, unless status has changed. No deductions will be made for number of dependents in the household.

- A. If the applicant has been steadily employed, use the prior year's tax return, and/or payroll check stubs for twelve months prior to hospitalization. Employers' letter of income verification may be needed.
- B. If the applicant has had variable employment, use the three prior years' tax returns, payroll check stubs for twelve months prior to hospitalization and verification of income by letters from employers.
- C. If the applicant is self-employed, income is the net profit or loss shown on Line 33, Form 1040 of Schedule C, plus any other income available from other sources.
- D. If the applicant is a farm-laborer or occasional part-time employee, use the prior year's income tax return unless the applicant can provide proof of income for each of the twelve months prior to hospitalization.
- E. If the Patient is a dependent (at any age) and the dependent has income, then the dependent's income may be included with the income calculation.
- F. If the Patient is a dependent (at any age), the parent's or guardian's income is considered in the income calculation.
- G. Depreciation is not an allowable deduction to income.
- H. Unearned income shall be verified by income tax returns, award letters or viewing checks. Worker's Compensation and Unemployment Compensation shall be counted as unearned income.
- I. Two or more households may be living under one roof but are not one economic unit. This can best be established by their income tax returns which will determine if the income(s) will be considered one household.



## SECTION 8

### SMALL CLAIMS

IHC Claims from any Provider in the amount of \$100.00 or less will not be considered for payment by the IHC Program.

## SECTION 9

### LIMITATIONS ON IHC PAYMENTS

An eligible applicant may receive up to \$21,000.00 total for all hospitalization and emergency transport services per fiscal year (July 1 through June 30). The fiscal year shall be determined by the date of Service. Claims are accepted for the current fiscal year and the previous two fiscal years. Claims for services provided prior to the previous two fiscal years will not be accepted.

Services are reimbursed on the following rates:

Hospitalization:

- A. Mimbres Memorial Hospital – up to \$10,000.00 annually, with the single visit minimum of \$100.00 or greater. Room rates must be semi-private. Reimbursement is paid at Medicaid eligible rates.
- B. Any New Mexico Hospital – up to \$5,000.00 annually, with a single visit minimum of \$100.00 or greater. Payments for Services provided outside of Luna County is limited to medically necessary inpatient hospital claims reimbursed at the Medicaid rate, but not to exceed the limitations set forth herein.
- C. Any non-New Mexico hospital – no reimbursement.
- D. Hospitalization Direct Services – up to \$5,000.00 annually, for any fees directly incurred during a hospital or emergency room visit. Direct Services include physicians' fees, pathology fees, lab fees which are billed separately from the hospital facility. Reimbursement is paid directly to providers at Medicaid eligible rates.

Ambulance/Emergency Transport Services:

Emergency transport services (ground or air) may be reimbursed at a maximum of \$1,000.00 per claim. The transport of a Patient must be by an approved New Mexico certified ambulance provider. The expense incurred includes the care and transport of a patient to the “nearest” hospital.

The IHC fund is not intended to serve as reimbursement to the Patient/guarantor for payments previously made to the Provider by the Patient/guarantor.

Payments from the IHC fund shall not be considered for:





- A. Elective services, or Services not considered a medical necessity; or
- B. Treatment which includes a more expensive procedure or product when a less expensive procedure or product is available; or
- C. Work-related injuries that are covered by the New Mexico Workers' Compensation Act; or
- D. Services that have been determined by the New Mexico Human Services Department to be eligible for Medicaid reimbursement; or
- E. Medicare and other third-party insurance deductibles and co-pays, except for Services rendered at Mimbres Memorial Hospital.

#### Primary Care Services:

Primary Care Services are provided for individuals committed to the custody of the Luna County Detention Center for the basic or general health care needs of the detainees. Services may be provided by a licensed medical doctor, certified registered nurse anesthetist, certified nurse practitioner, osteopathic physician, dentist, optometrist or expanded practice nurse when providing emergency services, as determined by the IHC Administrator, in a hospital to an indigent patient; or a licensed medical doctor or osteopathic physician, dentist, optometrist or expanded practice nurse when providing services in an outpatient setting, as determined by the IHC Administrator, for individuals committed to the custody of the Luna County Detention Center.

The IHC Administrator may allow other services which will benefit individuals committed to the custody of the Luna County Detention Center as deemed necessary.

For individuals committed to the custody of the Luna County Detention Center, approvals or reimbursements of IHC Funds by the County shall be made to eligible medical providers based on the entirety of the actual billed charges or one hundred percent (100%) of the Medicaid rate, whichever is the lesser thereof, for eligible treatment. Charges shall be submitted on itemized bills with the treating diagnosis from the medical provider. The charges for such services shall not exceed the normal charges to other patients. Charges that do not have Medicare rates assigned to them will be reimbursed to the medical providers at a rate of 50% of the lowest contracted rate available. Approvals or reimbursements will be made to medical providers after obtaining authorization from the IHC Board.

All payments for any services are limited to funding availability. A claim made to the Board for payment for the care of an indigent patient shall not expire or become invalid because of a lack of money in the fund during any fiscal year but shall be carried over into the ensuing fiscal year.

Other services will be prioritized and reimbursed as allowed by NMSA §27-5-13 and as approved and reviewed by the Board on a case-by-case basis.



## SECTION 10

### PATIENT/APPLICANT RESPONSIBILITIES

Proof of financial eligibility and residency is the responsibility of the Patient. Failure to provide the required information may lead to denial of the application by the IHC staff. It is also the responsibility of the Patient to provide proof of all means of support from all sources.

## SECTION 11

### RIGHTS AND DUTIES OF PROVIDERS

Providers shall comply with the standards of the federal Health Insurance Portability and Accountability Act of 1996 ("HIPPA").

#### **Required Filings:**

Prior to filing any claim with the Board every Provider shall place on file the following information per NMSA 1978 §27-5-11 (A):

1. Current data, statistics, schedules and information deemed necessary by the Board to determine the cost for all Patients in that hospital or cared for by that health care provider or tariff rates for charges of an ambulance service; and
2. Proof that that Provider is licensed under the laws of this state or any state or other governmental entity in which the health care provider operates; and
3. Any other information or data that may be deemed necessary by the Board.

NMSA 1978 §27-5-11 (B): A sole community provider hospital requesting or receiving Medicaid Sole Community Provider hospital payments shall:

1. Accept **indigent** patients and request reimbursement for those patients through the appropriate county indigent fund. The responsible county shall approve requests meeting its eligibility standards and notify the hospital of such approval;
2. Confirm the amount of payment authorized by each county for indigent patients, to that county for the previous fiscal year, by September 30 of each calendar year;
3. Negotiate with each county the amount of indigent hospital payments anticipated for the following fiscal year by December 31 of each year; and
4. Provide to the department prior to January 15 of each year the amount of the authorized indigent hospital payments anticipated for the following fiscal year after an agreement has been reached on the amount with each responsible county and such other related information as the department may request.

The Provider staff shall provide the Patient with a list stating the documents that are needed to provide the information necessary to complete the verification process.



The Provider staff is responsible to specify the date by which documentation must be provided. Care will be exercised to allow a reasonable length of time, not to exceed ninety (90) days, for the applicant to gather all necessary documentation. If the patient requests additional time, the request may be honored, but the Patient must specify a reasonable date which may not exceed 15 days of the date of the request. If the information is not provided, the claim may be submitted to the IHC staff with a request for a denial.

To verify applications:

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 presentation to the IHC Board for review.

The amount approved for payment from the IHC Funds shall be accepted and deemed by the Provider as payment in full. Any collection action against the Patient for any portion of the bill not covered by IHC Funds is prohibited.

## SECTION 12

### IHC STAFF RESPONSIBILITIES

The IHC staff will retain computerized case records for a period of not less than five (5) years. Case records will be periodically purged when it is evident that the information is no longer valid or necessary and the time limitation for retention of records has expired.

The IHC staff will request from the Finance Department a warrant for payment of approved claims on a monthly basis.

The Luna County Treasurer's Office and the Business Office for Luna County shall maintain all IHC records of payment.

#### Confidentiality:

- A. The IHC staff shall comply with the standards of the federal Health Insurance Portability and Accountability Act of 1996 ("HIPPA").
- B. All records dealing with physical or mental examinations or medical treatment of patients are not public records and shall remain confidential unless otherwise provided by law.



## SECTION 13

### AUTHORITY OF THE BOARD

The IHC Board has complete authority to authorize payment from the IHC Fund.

The Board shall state in writing the reason for rejecting or disapproving any claim to the applicant via the IHC staff and provide a copy of that determination to the Provider.

The IHC Board may under extenuating circumstances deemed appropriate, increase or decrease any payment on behalf of an indigent patient.

## SECTION 14

### OPEN MEETINGS LAW

The meeting of a Board quorum which is held for the purpose of approving, denying, hearing appeals of Patients, or to discuss other business within its authority shall be held in compliance with the Open Meetings Law. The Board may use a numbering or lettering system to keep confidential the identity of the individual whose claim is being discussed.

## SECTION 15

### APPEALS

If denied a claim, an applicant may appeal the decision in writing to the Indigent Funds Claims Board within 30 days of notification of denial. A written appeal should be addressed to:

Indigent Funds Claims Board

PO Drawer 551

Deming, NM 88031-0551

The Claims Administrator will inform the applicant in writing of the time and place of the applicant's hearing with the Indigent Funds Claims Board. The Claims Administrator may also request additional information at that time.

A meeting of the Indigent Claims Funds Board is held for the purpose of hearing the appeals of applicants. The Board may use a numbering or lettering system to keep confidential the identity of the individual whose claim is being discussed, unless the appealing applicant wishes to address the Board.

All decisions of the Board are final.





The Patient will be notified in writing within 10 days of the Board's decision. If the Board upholds the eligibility denial, the Patient has the right to file an appeal with District Court.

LUNA COUNTY BOARD  
OF COUNTY COMMISSIONERS

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Barbara L. Reedy, District One

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Linda M. Smrkovsky, District Two

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John S. Sweetser, District Three

ATTEST:

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Andrea Rodriguez, Luna County Clerk



ATTACHMENT “A”

INCOME LIMITS

Based on the 2017 “Per Capita Personal Income” for New Mexico:

Household of 1	\$37,966
Household of 2	\$42,522
Household of 3	\$47,625
Household of 4	\$53,340
Household of 5	\$59,741
Household of 6+	\$66,909

