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| West's New Mexico Statutes Annotated     |
| Chapter 24. Health and Safety            |
| Article 1c. Primary Care Capital Funding |

N. M. S. A. 1978, Ch. 24, Art. 1C, Refs & Annos

[Currentness](#)

NMSA 1978, Ch. 24, Art. 1C, Refs & Annos, NM ST Ch. 24, Art. 1C, Refs & Annos  
Current through chapters effective July 1, 2024 of the 2024 Second Regular Session of the 56th Legislature (2023). The Second Regular Session convened January 16, 2024 and adjourned February 15, 2024.

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N. M. S. A. 1978, § 24-1C-1

§ 24-1C-1. Short title

Currentness

Chapter 24, Article 1C NMSA 1978 may be cited as the “Primary Care Capital Funding Act”.

**Credits**

L. 1994, Ch. 62, § 7; L. 1997, Ch. 230, § 1.

NMSA 1978, § 24-1C-1, NM ST § 24-1C-1

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N. M. S. A. 1978, § 24-1C-2  
§ 24-1C-2. Purpose

Currentness

The purpose of the Primary Care Capital Funding Act is to provide funding for capital projects to eligible entities in order to increase health care services in rural and other health care underserved areas in the state.

Credits

L. 1994, Ch. 62, § 8.

NMSA 1978, § 24-1C-2, NM ST § 24-1C-2  
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N. M. S. A. 1978, § 24-1C-3

§ 24-1C-3. Definitions

Effective: June 16, 2023

[Currentness](#)

As used in the Primary Care Capital Funding Act:

A. “authority” means the New Mexico finance authority;

B. “capital project” means acquisition, repair, renovation or construction of a facility; purchase of land; acquisition of capital equipment of a long-term nature; or acquisition of capital equipment to be used in the delivery of primary care, telehealth or hospice services;

C. “department” means the department of health;

D. “eligible entity” means:

(1) a community-based nonprofit primary care clinic or hospice that operates in a rural or other health care underserved area of the state, that is a 501(c)(3) nonprofit corporation for federal income tax purposes and that is eligible for funding pursuant to the Rural Primary Health Care Act;

(2) a school-based health center that operates in a public school district and that meets department requirements or that is funded by the federal department of health and human services;

(3) a primary care clinic that operates in a rural or other health care underserved area of the state, that is owned by a county or municipality and that meets department requirements for eligibility; or

(4) a telehealth site that is operated by an entity described in this subsection;

E. “fund” means the primary care capital fund;

F. “operating capital” means funds needed to meet short-term obligations, such as accounts payable, wages, debt servicing, lease and income tax payments;

G. “primary care” means the first level of basic or general health care for an individual’s health needs, including diagnostic and treatment services and including services delivered at a primary care clinic, a telehealth site or a school-based health center; “primary care” includes the provision of mental health services if those services are integrated into the eligible entity’s service array; and

H. “project” means a capital project or operating capital needed to support the increase of primary care services to sick and medically indigent persons.

#### **Credits**

L. 1994, Ch. 62, § 9; L. 2000, Ch. 75, § 1; L. 2005, Ch. 54, § 1, eff. June 17, 2005; L. 2019, Ch. 276, § 1, eff. June 14, 2019; L. 2023, Ch. 129, § 6, eff. June 16, 2023.

NMSA 1978, § 24-1C-3, NM ST § 24-1C-3

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N. M. S. A. 1978, § 24-1C-4

§ 24-1C-4. Primary care capital fund; creation

Effective: June 16, 2023

Currentness

A. The “primary care capital fund” is created as a revolving fund in the authority. The fund shall consist of appropriations, loan repayments, gifts, grants, donations and interest earned on investment of the fund. A separate account shall be maintained for appropriations, loan repayments, gifts, grants, donations and interest earned on investment of the account for loans to school-based health centers and telehealth sites. Money in the fund shall not revert at the end of a fiscal year.

B. The fund shall be administered by the authority. The authority may recover from the fund the actual costs of administering the fund and originating loans.

#### Credits

L. 1994, Ch. 62, § 10; L. 2005, Ch. 54, § 2, eff. June 17, 2005; L. 2019, Ch. 276, § 2, eff. June 14, 2019; L. 2023, Ch. 129, § 7, eff. June 16, 2023.

NMSA 1978, § 24-1C-4, NM ST § 24-1C-4

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N. M. S. A. 1978, § 24-1C-5

§ 24-1C-5. Rules

Effective: June 16, 2023

Currentness

The authority shall adopt rules to administer and implement the provisions of the Primary Care Capital Funding Act, including providing for:

- A. the determination of rural or other health care underserved areas of the state in which eligible entities may receive loans or contracts for services from the fund;
- B. procedures and forms for applying for loans or contracts for services for projects;
- C. documentation required to be provided by the applicant to justify the need for the project;
- D. documentation required to be provided by the applicant to demonstrate that the applicant is an eligible entity;
- E. procedures for review, evaluation and approval of loans and contracts for services, including the programmatic, organizational and financial information necessary to review, evaluate and approve an application;
- F. evaluation of the ability and competence of an applicant to provide efficiently and adequately for the completion of a proposed project;
- G. approval of loan and contract for services applications, including provisions that accord priority attention to areas with the greatest need for primary care services;

H. fair geographic distribution of loans and contracts for services; and

I. such other requirements deemed necessary by the department to ensure that the state receives the primary care services for which the legislature appropriates money and that protect the state's interest in a project.

#### Credits

L. 1994, Ch. 62, § 11; L. 2023, Ch. 129, § 8, eff. June 16, 2023.

NMSA 1978, § 24-1C-5, NM ST § 24-1C-5

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N. M. S. A. 1978, § 24-1C-6

§ 24-1C-6. Department; authority; powers and duties

Effective: June 16, 2023

Currentness

A. The department and the authority shall administer the loan programs and contracts for services established pursuant to the provisions of the Primary Care Capital Funding Act. The department and authority shall:

- (1) enter into joint powers agreements with each other or other appropriate public agencies to carry out the provisions of that act; and
- (2) apply to any appropriate federal, state or local governmental agency or private organization for grants and gifts to carry out the provisions of that act or to fund allied community-based health care programs.

B. The department or authority may, instead of a loan, contract for services with an eligible entity to provide free or reduced fee primary care services for sick and medically indigent persons as reasonably adequate legal consideration for money from the fund to the entity so it may acquire or construct a capital project to provide the services.

C. The department and authority may:

- (1) make and enter into contracts and agreements necessary to carry out their powers and duties pursuant to the provisions of the Primary Care Capital Funding Act; and
- (2) do all things necessary or appropriate to carry out the provisions of the Primary Care Capital Funding Act.

D. The authority is responsible for all financial duties of the programs, including:

- (1) administering the fund;
- (2) accounting for all money received, controlled or disbursed for capital projects in accordance with the provisions of the Primary Care Capital Funding Act;
- (3) evaluating and approving loans and contracts for services, including determining financial capacity of an eligible entity;
- (4) enforcing contract provisions of loans and contracts for services, including the ability to sue to recover money or property owed the state;
- (5) determining requirements for repayment of loans, including interest rates, loan terms, payment schedules and other financial aspects of a loan and relevant terms of a contract for services;
- (6) ensuring the authority's interest in any project by the filing of a lien equal to the total of the authority's financial participation in the project; and
- (7) performing other duties in accordance with the provisions of the Primary Care Capital Funding Act, rules promulgated pursuant to that act or joint powers agreements entered into with the department.

E. The department is responsible for the following duties:

- (1) defining sick and medically indigent persons for purposes of the Primary Care Capital Funding Act;
- (2) establishing priorities for loans and contracts for services;
- (3) determining the appropriateness of the project;
- (4) evaluating the capability of an applicant to provide and maintain primary care or hospice services;

(5) selecting recipients of loans and persons with whom to contract for services;

(6) determining that capital projects comply with all state and federal licensing; and

(7) contracting with an eligible entity to provide primary care services without charge or at a reduced fee for sick and medically indigent persons as defined by the department.

F. The authority may make a loan to an eligible entity to acquire, construct, renovate or otherwise improve a capital project or to fund operating capital, provided there is a finding:

(1) by the department that the project will provide primary care services to sick and medically indigent persons as defined by the department; and

(2) by the authority that there is adequate protection, including loan guarantees, real property liens, title insurance, security interests in or pledges of accounts and other assets, loan covenants and warranties or restrictions on other encumbrances and pledges for the state funds extended for the loan.

G. The authority may make a loan to a school-based health center that operates in a school district or to a telehealth site for a capital project; provided, however, that the loan shall not exceed the amount in the account reserved for school-based health center or telehealth site funding.

#### Credits

L. 1994, Ch. 62, § 12; L. 1997, Ch. 230, § 2; L. 2005, Ch. 54, § 3, eff. June 17, 2005; L. 2023, Ch. 129, § 9, eff. June 16, 2023.

NMSA 1978, § 24-1C-6, NM ST § 24-1C-6

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N. M. S. A. 1978, § 24-1C-7

§§ 24-1C-7, 24-1C-8. Repealed by L. 1997, Ch. 230, § 4

Currentness

NMSA 1978, § 24-1C-7, NM ST § 24-1C-7

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N. M. S. A. 1978, § 24-1C-8

§§ 24-1C-7, 24-1C-8. Repealed by L. 1997, Ch. 230, § 4

Currentness

NMSA 1978, § 24-1C-8, NM ST § 24-1C-8

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N. M. S. A. 1978, § 24-1C-9

§ 24-1C-9. Eligible entity; change in status

Effective: June 16, 2023

[Currentness](#)

If an eligible entity that has received a loan or contract for services for a capital project ceases to maintain its nonprofit status or ceases to deliver primary care services at the site of the capital project for twelve consecutive months, the authority may pursue the remedies provided in the loan agreement or contract for services or as provided by law.

**Credits**

[L. 1994, Ch. 62, § 15; L. 1997, Ch. 230, § 3; L. 2023, Ch. 129, § 10, eff. June 16, 2023.](#)

NMSA 1978, § 24-1C-9, NM ST § 24-1C-9

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N. M. S. A. 1978, § 24-1C-10  
§ 24-1C-10. Report

Currentness

The department and the authority shall report jointly to the governor and the legislature by December 1 of each year on the primary care capital funding program.

Credits

L. 1994, Ch. 62, § 16.

NMSA 1978, § 24-1C-10, NM ST § 24-1C-10  
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