

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2199. Medical Referral Patient Family Escort.

(a) Except as provided in this section, each patient that is approved for a medical referral outside the Commonwealth in accordance with any law or regulation establishing or providing for a Commonwealth Medical Referral Program shall be entitled to be escorted by one family member or friend, at government expense as provided in this section, in those cases where the patient is unable to travel independently because of:

- (1) Physical disability, frailty or age;
- (2) Psychiatric disability or mental deficiency;
- (3) Blindness or deafness;
- (4) Fecal or urinary incontinence requiring the patient to seek assistance to use the toilet;
- (5) The patient's inability to feed himself or herself or to perform other activities of daily living; or
- (6) The strong possibility that the patient will die at the referral health care facility as a result of the severity of the illness or condition.

(b) *Expenses Covered.* The expenses authorized at no cost to the family member or friend escort shall be limited to the lowest cost for round-trip airfare, reasonable hotel or other accommodations, daily ground transportation at the established government rate where no actual ground transportation is provided directly by the government, and a daily subsistence allowance not to exceed thirty dollars.

(c) *Escort Ineligibility.* No patient approved for medical referral shall be entitled to be escorted by a family member or friend as provided under subsection (a) if:

- (1) The patient, in the 12 months immediately preceding the date the patient is approved for medical referral, personally has received or earned total income of more than \$70,000; or
- (2) The intended escort, in the 12 months immediately preceding the date the patient he or she is approved for medical referral, personally has received or earned total income of more than \$70,000.

Source: PL 14-64, §§ 2, 3, and 4, modified.

Commission Comment: The Commission made conforming changes to the above section pursuant to the authority granted in 1 CMC § 3806(a), (b), (d), (e), and (f). PL 14-64 was enacted on April 29, 2005, and contained findings and purpose, severability, and savings clause provisions. The findings and purpose of PL 14-64 stated:

Section 1. Findings and Purpose. Although a Commonwealth Medical Referral Program has been successfully established for the medical needs of the patient, often the patient is unable to cope, for various and obvious reasons, while on medical referral without the effective assistance of an escort. Because of the impracticality of sending a medical professional

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with the patient, except in very extreme cases, a family member or friend escort is adequate in most cases.

However, the Legislature finds that families in the Commonwealth experience undue financial hardship when a family member requires medical attention outside the Commonwealth with the added cost of sending a family member or friend escort. The purpose of this act is to alleviate the majority of the expenses associated with sending a family member or friend escort along with the patient in most cases where such expenses would be a grave financial burden on families.

The Department of Public Health promulgated regulations establishing the Medical Referral Program. See NMIAC § 140-10.7; see also NMIAC § 140-10.7-320 regarding family escorts.