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SENATE BILL

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO CHILDREN; ENACTING A NEW SECTION OF THE PUBLIC ASSISTANCE ACT TO DIRECT THE HUMAN SERVICES DEPARTMENT TO ENSURE THAT CERTAIN BEHAVIORAL HEALTH AND DEVELOPMENTAL SCREENINGS AND SERVICES ARE PROVIDED TO RECIPIENT CHILDREN; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Assistance Act is enacted to read:

"[NEW MATERIAL] EARLY AND PERIODIC SCREENING, DIAGNOSTIC AND TREATMENT PROGRAM SCREENING PROCEDURES.--

A. By December 31, 2016, the secretary shall adopt and promulgate rules to ensure that providers include a comprehensive health, mental health and developmental history, including an assessment of behavioral health and social-

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1 emotional development and an assessment for substance use  
2 disorder as part of every eligible recipient's screening under  
3 the early and periodic screening, diagnostic and treatment  
4 program screening procedures. Department rules shall require  
5 that a provider:

6 (1) undertake the evaluation pursuant to this  
7 subsection in accordance with an evidence-based, validated  
8 behavioral health and developmental screening tool or tools;  
9 and

10 (2) use age-appropriate questions for each  
11 child and the child's caregiver when using the validated  
12 behavioral health and developmental screening tool or tools  
13 pursuant to Paragraph (1) of this subsection.

14 B. Department rules shall require a provider that  
15 serves a recipient under the early and periodic screening,  
16 diagnostic and treatment program screening procedure to create  
17 a medical schedule for each recipient that records each service  
18 provided to the recipient pursuant to Subsection A of this  
19 section. The department shall not reimburse a provider for  
20 early and periodic screening, diagnostic and treatment program  
21 screening procedures rendered to a recipient unless that  
22 recipient's medical schedule indicates that the recipient has  
23 received all of the early and periodic screening, diagnostic  
24 and treatment program screening procedures that are indicated  
25 for the recipient's age.

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1           C. By December 31, 2016, the secretary shall ensure  
2 that eligible recipients under five years of age are provided  
3 with any and all behavioral health services that are medically  
4 necessary. The secretary shall adopt and promulgate rules that  
5 direct providers to maximize the use of relationship axis  
6 disorder coding and diagnostic impressions of serious imminent  
7 risk to support a finding of medical necessity for the  
8 provision of behavioral health services to eligible recipients  
9 under five years of age.

10           D. By December 31, 2016, the secretary shall  
11 establish a program to train providers of primary care or  
12 behavioral health services to recipients who are under five  
13 years of age that includes training on:

- 14                   (1) comprehensive screening;  
15                   (2) access to medically necessary mental  
16 health services; and  
17                   (3) documenting the need for services based on  
18 relationship axis disorder codes and diagnostic impressions of  
19 serious imminent risk.

20           E. By December 31, 2016, the secretary shall  
21 convene an advisory group that includes representatives from  
22 the department of health, medicaid managed care organizations  
23 and the children, youth and families department to assist the  
24 human services department to:

- 25                   (1) develop rules governing comprehensive

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1 screening pursuant to this section;

2 (2) identify mechanisms to improve access to  
3 medically necessary prevention and early intervention services;  
4 and

5 (3) contribute to the content of training  
6 offered pursuant to Subsection D of this section.

7 F. As used in this section:

8 (1) "behavioral health services" means  
9 services to promote emotional health or to prevent, treat or  
10 support recovery from mental illness, substance use disorder,  
11 chemical dependence or gambling addiction;

12 (2) "early and periodic screening, diagnostic  
13 and treatment program screening procedures" means the medicaid  
14 program established under federal law to serve recipients under  
15 twenty-one years of age;

16 (3) "primary care" means the first level of  
17 basic physical or behavioral health care for an individual's  
18 health needs, including diagnostic and treatment services; and

19 (4) "provider" means a provider of early and  
20 periodic screening, diagnostic and treatment program screening  
21 procedures to eligible recipients."

22 SECTION 2. APPROPRIATION.--Seventy-five thousand dollars  
23 (\$75,000) is appropriated from the general fund to the human  
24 services department for expenditure in fiscal years 2017 and  
25 2018 to obtain the requisite professional expertise and

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1 implement the provisions of Section 1 of this act. Any  
2 unexpended or unencumbered balance remaining at the end of  
3 fiscal year 2018 shall revert to the general fund.

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