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FISCAL IMPACT REPORT

SPONSOR HHHC **ORIGINAL DATE** 03/02/21 **LAST UPDATED** 02/04/21 **HB** 151/HHCS
SHORT TITLE NM Behavioral Health Consortium **SB** _____
ANALYST Esquibel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY22	FY23		
\$250.0*	*	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*Appropriation to HSD is for FY22 and FY23.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Indeterminate	Indeterminate		Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act of 2021

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Children, Youth and Families Department (CYFD)
 Department of Finance and Administration (DFA)
 Department of Health (DOH)
 Human Services Department (HSD)
 Mortgage Finance Authority (NMMFA)
 Public Education Department (PED)

SUMMARY

Synopsis of Bill

The House Health and Human Services Committee substitute for House Bill 151 (HB151/HHHCS) appropriates \$250 thousand from the general fund to the Human Services Department (HSD) in FY22 and FY23 to contract with and hire a professional behavioral health policy agency to assist the Bridges across New Mexico Behavioral Health Consortium in developing a statewide action plan to present to HSD, DOH, and the Legislature. The bill provides details on the makeup of the consortium members which include bipartisan House, Senate and Congressional district representation, business sector representation, and state agency representation.

HB151/HHHCS describes the duties of the consortium as follows:

1. Review potential construction and repurposing of existing buildings to create residential treatment facilities and long-term transitional housing for individuals with substance use disorders, mental health issues, individuals leaving incarceration, and help for individuals and families for reasons other than behavioral health who need safer long-term housing than a short-term shelter could provide;
2. Assess current youth and adult residential treatment facilities, with a focus on facilities serving individuals currently in the court system for substance use, behavioral health, and homelessness, to determine if the current facilities could be expanded or if new facilities need to be built;
3. In consultation with PED, develop an evidence-based drug prevention program for first through twelfth grade public school students with age- and developmentally-appropriate content;
4. Review current DWI laws and compare them with cities that have the lowest rates of driving while intoxicated;
5. Assist regionally in implementing the statewide action plan.

The consortium would operate from the effective date of July 1, 2021 through November 1, 2022. The bill requires the consortium hold meetings in each of the six state transportation commission districts beginning after the effective date of July 1, 2021. On or before August 2022, statewide meetings shall be held in Albuquerque to discuss findings and recommendations from the regional meetings and approve a draft statewide action plan.

The draft statewide action plan would be presented at a meeting of the interagency behavioral health purchasing collaborative. The professional behavioral health policy agency would prepare a final plan in consideration of any comments received from the interagency behavioral health purchasing collaborative and community input from the district meetings.

Mileage and per diem would not be available for members who are not paid with public money.

The statewide action plan would be presented or distributed to the interim Legislative Health and Human Service Committee, the Legislative Finance Committee, and the HSD and DOH secretaries on or before November 1, 2022.

FISCAL IMPLICATIONS

The bill proposes \$250 thousand be appropriated from the general fund to the Human Services Department for expenditure in FY22 and FY23 to contract with and hire a professional behavioral health policy agency to assist the proposed Bridges across New Mexico Behavioral Health Consortium in developing a statewide action plan to present to HSD and the Legislature. Any unexpended or unencumbered balance remaining at the end of FY23 would revert to the general fund.

Individuals employed by state agencies participating in the consortium would be eligible to receive per diem and mileage. The amount of the per diem and mileage state employees would be entitled to is indeterminate.

CYFD reports the bill may have a fiscal impact on the agency's operating budget if inter-department collaboration is sought regarding licensure and certification of youth residential treatment centers which falls under CYFD's purview.

SIGNIFICANT ISSUES

Multiple agencies reported in their analyses that Section 9-7-6.4 NMSA 1978 created the "interagency behavioral health purchasing collaborative" consisting of department secretaries from multiple state agencies, health policy officials, the governor's office, and tribal entities, to plan, design, and direct a statewide behavioral health system. The work of the interagency behavioral health purchasing collaborative may overlap with the bill's proposed Bridges across New Mexico Behavioral Health Consortium.

The New Mexico Mortgage Finance Authority (MFA) suggests that housing developers with experience in permanent supportive housing (PSH) be included in the consortium. PSH is a long-term housing opportunity that combines rental assistance with support services to assist special needs individuals with housing. MFA also recommends the involvement of the New Mexico Coalition to End Homeless and some its service providers.

ADMINISTRATIVE IMPLICATIONS

The Administrative Office of the Courts (AOC) indicates the bill could minimally increase its caseload participating on the consortium, and bill's provisions could duplicate some work of the criminal justice coordinating councils in various jurisdictions pertaining to community mapping and cross agency collaboration.

DUPLICATION

AOC indicates HSD and its Behavioral Health Services Division, Department of Health, CYFD, the Interagency Behavioral Health Purchasing Collaborative, and other state agencies currently provide oversight to behavioral health providers, including licensing, facility review, and auditing. The currently existing Behavioral Health Collaborative may also bring together collaborative stakeholders with a goal of improving behavioral health outcomes for individuals both within and outside of the criminal justice system.

TECHNICAL ISSUES

HSD suggests the proposed plan should also contain provisions on existing funding in cities and counties, the need for potential funding, ways to receive funding, a determination of the most equitable and effective use of funds, and a priority for programs and building projects.

DFA suggests on page 3, line 8, inserting “Evidence-based” before drug prevention program. CYFD reports its Behavioral Health Services Bureau should be engaged in the consortium’s consultation process. CYFD additionally recommends that representatives of the population being served, young adults who utilize congregate care settings, be included in the consortium. The new consortium should also work with the Behavioral Health Collaborative to avoid any duplication of efforts.

OTHER SUBSTANTIVE ISSUES

The Behavioral Health Collaborative (BHC) was created by the Legislature in 2004 and consists of the department secretaries or their designees from 15 state agencies. The goals of the Collaborative are:

- 1) Build a new behavioral health provider network;
- 2) Develop community-based mental health services for children and families;
- 3) Effectively address substance use disorder; and
- 4) Address behavioral health needs of justice-involved individuals.

ALTERNATIVES

DFA reports HB151/HHHCS section B (4) tasks the consortium to review the state’s DWI laws and compare them with other cities with the lowest rates of DWI. The National Highway Traffic Safety Administration (NHTSA) publishes a digest of State Alcohol Highway Safety-Related Legislation, which is available on their website: <https://www.nhtsa.gov/laws-regulations/impaired-driving>. This tool would assist with comparing New Mexico’s DWI laws to DWI laws in other cities and states.

DFA reports research on evidence-based drug prevention programs is available at the Substance Abuse and Mental Health Services (SAMHSA) clearinghouse at www.samhsa.gov/ebp-resource-center.

DOH writes an alternative to creating the Bridges across New Mexico Behavioral Health Consortium would be to use the existing, statutorily-created Interagency Behavioral Health Purchasing Collaborative to complete the activities outlined in HB151/HHHCS.

RAE/sb/al