

**MINUTES
of the
FIRST MEETING
of the
BEHAVIORAL HEALTH SUBCOMMITTEE
of the
LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE**

**August 20, 2020
Video Conference**

The first meeting of the Behavioral Health Subcommittee of the Legislative Health and Human Services Committee was called to order by Representative Patricia Roybal Caballero, chair, on August 20, 2020 at 9:10 a.m. by audio and video conference via an online platform.

Present

Rep. Patricia Roybal Caballero, Chair
Sen. Bill B. O'Neill, Vice Chair
Rep. Phelps Anderson
Rep. Rebecca Dow
Sen. Michael Padilla
Rep. Christine Trujillo

Absent

Rep. Doreen Y. Gallegos
Rep. Andrea Romero

Advisory Members

Rep. Deborah A. Armstrong
Rep. Karen C. Bash
Rep. Dayan Hochman-Vigil
Sen. Mary Kay Papen
Rep. Elizabeth "Liz" Thomson

Rep. Zachary J. Cook
Sen. Gerald Ortiz y Pino

Guest Legislators

Rep. Joanne J. Ferrary
Sen. Linda M. Lopez

Staff

Andrea Lazarow, Bill Drafter, Legislative Council Service (LCS)
Lenaya Montoya, Staff Attorney, LCS
Madelyn Lucas, Intern, LCS

Minutes Approval

Because the subcommittee will not meet again this year, the minutes for this meeting have not been officially approved by the subcommittee.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

Thursday, August 20

Welcome and Introductions (9:10 a.m.)

Representative Roybal Caballero welcomed subcommittee members and attendees.

Behavioral Health Concerns During COVID-19 (9:25 a.m.)

Maggie McCowen, executive director, Behavioral Health Providers' Association of New Mexico; Marti Wright Everitt, administrator, La Casa Behavioral Health; Krisztina Ford, board president, Behavioral Health Providers' Association of New Mexico, and chief executive officer, All Faiths Children's Advocacy Center; and Dr. Neal Bowen, director, Behavioral Health Services Division, Human Services Department, provided presentations on behavioral health concerns during the COVID-19 pandemic. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=BHS&Date=8/20/2020&ItemNumber=1>.

Questions and comments from subcommittee members addressed the following topics:

- concerns about the number of non-behavioral health practitioners providing behavioral health services to patients and what types of services those practitioners are providing;
- whether the 899 crisis line is coordinated with the crisis services currently being provided by the City of Albuquerque;
- that case management service fees should be reimbursed to providers rather than managed care organizations;
- concerns about service cuts for providers of services to sexual violence survivors for fiscal year 2022;
- how the COVID-19 pandemic has impacted All Faiths Children's Center's capacity to provide services;
- whether All Faiths Children's Center received any federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funding to adapt to providing services during the COVID-19 pandemic;
- how the state could get more CARES Act funding for behavioral health services;
- questions about why contractors are coming in from out-of-state since New Mexico already has trained peer counselors;
- which agency licenses crisis triage centers;
- that the rate setting process is on track and moving forward;
- where crisis triage centers are currently up and running;
- whether the state should be alarmed or view it as positive that so many non-behavioral health providers are providing behavioral health services;
- how New Mexico is doing with behavioral health professional licensing and credentialing;
- whether telehealth should be a tool that the state continues to use to increase access to behavioral health services after the COVID-19 pandemic;

- the suicide rate for youth during the pandemic;
- how prescribing psychologists are being utilized;
- whether alcohol abuse is worsening during the pandemic; and
- concerns about the adequacy of the behavioral health providers network and whether the data regarding the number of practitioners is accurate, particularly in rural counties.

Improving Behavioral Health Services for Individuals with Developmental Disabilities (11:16 a.m.)

Joan Curtiss, senior advocate, Disability Rights New Mexico, and Carol Peterson, advocate, provided a presentation on improving behavioral health services for individuals with developmental disabilities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/BHS%20082020%20Item%202%20DRNM%20presentation.pdf>.

Questions and comments from subcommittee members addressed the following topics:

- that other families are going through similar situations with their children and that stories shared are common experiences for people living in the developmental disabilities and mental illness worlds;
- that basic training for interacting with individuals with developmental disabilities and mental illness should be provided to law enforcement officers, health care providers and all public school system employees;
- that there is a need for legislation regarding state licensing for boarding homes;
- whether a behavioral support consultant is a new type of provider, how they are trained and how many are practicing in New Mexico;
- how behavioral support consultants differ from board-certified behavioral analysts;
- a suggestion to consider using the Project ECHO model to deliver behavioral interventions;
- whether it would be possible to develop a remote model to coach teachers and parents; and
- that there have been problems with the state's response to behavioral health issues in the past, from which a lot was learned, and that the state is now in a position with the right people and the right mechanisms to remedy those problems.

Patient Access to Behavioral Health Services during COVID-19 (1:32 p.m.)

Pamela K. Blackwell, director, Policy and Communications, New Mexico Hospital Association; Tenika Sosa-Gonzalez, director, Behavioral Health Services, Memorial Medical Center; Mary Perez, executive director, Adult Psychiatric Center, University of New Mexico; Yvette Romero, clinical manager of behavioral health services, Christus St. Vincent Regional Medical Center; and Kelley Whitaker, chief executive officer, Central Desert Behavioral Health Hospital, provided a presentation on patient access to behavioral health services during the COVID-19 pandemic. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=BHS&Date=8/20/2020&ItemNumber=3>.

Questions and comments from subcommittee members addressed the following topics:

- whether peer support workers providing behavioral health services and the training program for community health workers at the University of New Mexico should be merged;
- why there is reluctance to reimburse fees for peer support workers providing behavioral health services;
- whether the state should provide more resources to expand the peer support worker training program;
- whether any work is being done to create trauma-informed teaching in schools;
- whether a state behavioral hospital should be created in southern New Mexico;
- that the Lea Regional Medical Center does not have the available psychiatric beds listed in the 2019 hospital beds in New Mexico slide;
- whether there are any new psychiatric beds coming online in the short term in New Mexico;
- what the financial well-being of New Mexico hospitals is, especially the rural hospitals;
- that telehealth is working well in behavioral health services;
- what parity means in the context of this presentation;
- whether telehealth behavioral health services are on par with in-person behavioral health services;
- a request for information on the differences in fees and payments for behavioral health telehealth services before, during and after the COVID-19 pandemic as they relate to different insurance providers;
- whether community colleges could provide peer support worker training to address the long training waiting lists;
- whether a requirement for continuing education on trauma-informed care should be added to health professional licensure, teacher licensure and law enforcement training;
- a request for information on which professions could benefit from trauma-informed care training;
- the status of the psychologist compact enactment in New Mexico;
- that trauma-informed care can be treated as an interdisciplinary approach that should include telehealth and the psychologist compact;
- whether the Memorial Medical Center or other qualifying hospitals could do necessary behavioral health evaluations that currently only the state hospital can do;
- what can be changed so that more hospitals can be reimbursed for behavioral health services evaluations;
- whether there is a need for inpatient behavioral health beds in southern New Mexico;
- whether there will be a referral partnership when the crisis triage center is set up; and

- that behavioral health telehealth providers from out of state will impact the in-person workforce, will lack knowledge of services available in New Mexico and will not be culturally informed.

Albuquerque Police Department Response to Behavioral Health Crisis (3:12 p.m.)

Lieutenant Matt Dietzel, Crisis Intervention Section, Albuquerque Police Department, provided a presentation on patient access to behavioral health services during the COVID-19 pandemic. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=BHS&Date=8/20/2020&ItemNumber=4>.

Questions and comments from subcommittee members addressed the following topics:

- whether there is screening for officers who are on the Enhanced Crisis Intervention Team;
- whether all officers are trained in basic crisis intervention;
- concern that Disability Rights New Mexico was replaced by the public defenders;
- how interpreters are obtained during a crisis intervention;
- whether there is a program that allows officers to get to know individuals who might need crisis intervention so that those individuals and officers are comfortable with one another prior to any potential intervention;
- a suggestion for an online platform where families can voluntarily register people in their household who might need a specially trained officer during a police call (e.g., a family member who is autistic, deaf, etc.);
- whether Crisis Intervention Team members only take behavioral health police calls or also take other police calls;
- what percentage of police officers are trained in crisis intervention;
- how long the Mobile Crisis Team has been active;
- whether any federal funds are received for these Albuquerque Police Department programs;
- the status of body camera use by the Albuquerque Police Department and feedback on body camera video recording privacy protections;
- that the legislature needs to work on how and under what circumstances video recordings from body cameras are released, particularly when the public interest outweighs the individual's interest in privacy, and request feedback on this topic from the Crisis Intervention Section;
- how the City of Albuquerque Community Safety Department creation will affect the work that the Albuquerque Police Department does with crisis intervention;
- whether the Crisis Intervention Section is involved with the creation of the City of Albuquerque Community Safety Department;
- whether the Crisis Intervention Section is involved in the 988 national behavioral health emergency number creation;
- whether police academy cadets are receiving crisis intervention training;

- that the work the Crisis Intervention Section does is fabulous and meaningful to people with behavioral health issues, their families and the community;
- what is being done to protect domestic, child and sexual abuse victims' privacy rights with regard to police body camera videos;
- whether the City of Albuquerque Community Safety Department will merge with or replace the Albuquerque Community Policing program;
- that the City of Albuquerque Community Safety Department should continue to promote the positive aspects of the Albuquerque Community Policing program and reduce the perception that the only way to build relationships with police is to turn people in;
- how the crisis intervention model is being introduced across the board; and
- an observation that the excessive use of force, especially lethal force, has been intolerable across the state, especially in communities of color, and that there is a need to show that the use of force is being reduced with de-escalation tactics.

Public Comment (4:28 p.m.)

Comments from members of the public included appreciation for the presentations and their content but disappointment in the representation of advocates and consumers during the COVID-19 presentations.

Adjournment

There being no further business before the subcommittee, the meeting adjourned at 4:33 p.m.