

AN ACT

RELATING TO HEALTH FACILITIES; CLARIFYING THAT MENTAL HEALTH CENTERS
SERVING CHILDREN ARE SUBJECT TO CHILDREN, YOUTH AND FAMILIES
DEPARTMENT LICENSURE.

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

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Section 1. Section 24-1-2 NMSA 1978 (being Laws 1973, Chapter 359,
Section 2, as amended) is amended to read:

"24-1-2. DEFINITIONS.--As used in the Public Health Act:

A. "department" or "division" means the children, youth and families
department as to child care centers, residential treatment centers that serve persons
up to twenty-one years of age, community mental health centers that serve only
persons up to twenty-one years of age and day treatment centers that serve persons
up to twenty-one years of age, and the department of health as to all other health
facilities;

B. "director" means the secretary;

C. "person", when used without further qualification, means an
individual or any other form of entity recognized by law;

D. "health facility" means a public hospital, profit or nonprofit private
hospital, general or special hospital, outpatient facility, maternity home or shelter, adult
daycare facility, nursing home, intermediate care facility, boarding home not under the
control of an institution of higher learning, child care center, shelter care home,
diagnostic and treatment center, rehabilitation center, infirmary, community mental
health center that serves both children and adults or adults only, residential treatment

center that serves persons up to twenty-one years of age, community mental health center that serves only persons up to twenty-one years of age and day treatment center that serves persons up to twenty-one years of age or a health service organization operating as a free-standing hospice or a home health agency. The designation of these entities as health facilities is only for the purposes of definition in the Public Health Act and does not imply that a free-standing hospice or a home health agency is considered a health facility for the purposes of other provisions of state or federal laws. "Health facility" also includes those facilities that, by federal regulation, must be licensed by the state to obtain or maintain full or partial, permanent or temporary federal funding. It does not include the offices and treatment rooms of licensed private practitioners; and

E. "secretary" means the secretary of children, youth and families as to child care centers and facilities and the secretary of health as to all other health facilities."