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HOUSE BILL 259

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Edward C. Sandoval

AN ACT

**RELATING TO BEHAVIORAL HEALTH; PROVIDING FOR A NATIVE AMERICAN
SUBCOMMITTEE; AMENDING A SECTION OF NMSA 1978.**

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

**Section 1. Section 24-1-28 NMSA 1978 (being Laws 2004,
Chapter 46, Section 2) is amended to read:**

**"24-1-28. BEHAVIORAL HEALTH PLANNING COUNCIL CREATED--
POWERS AND DUTIES--MEMBERSHIP.--There is created the
"behavioral health planning council".**

**A. The council shall consist of the following
members, all of whom shall be appointed by and serve at the
pleasure of the governor:**

**(1) consumers of behavioral health services
and consumers of substance abuse services, as follows:**

(a) adults with serious mental illness;

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- (b) seniors;
- (c) family members of adults with serious mental illness and of children with serious emotional or neurobiological disorders; and
- (d) persons with co-occurring disorders;
- [~~and~~
- (~~e~~)] (2) Native American representatives from a pueblo, an Apache tribe, the Navajo Nation and an urban Native American population;
- [~~(2)~~] (3) providers;
- [~~(3)~~] (4) state agency representation from agencies responsible for:
 - (a) adult mental health and substance abuse;
 - (b) children's mental health and substance abuse;
 - (c) education;
 - (d) vocational rehabilitation;
 - (e) criminal justice;
 - (f) juvenile justice;
 - (g) housing;
 - (h) medicaid and social services;
 - (i) health policy planning;
 - (j) developmental disabilities planning;
- and

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1 (k) disabilities issues and advocacy;
2 [~~(4)~~] (5) such other members as the governor
3 may appoint to ensure appropriate cultural and geographic
4 representation; and
5 [~~(5)~~] (6) advocates.

6 B. Providers and state agency representatives
7 together may not constitute more than forty-nine percent of the
8 council membership.

9 C. The council shall:

10 (1) advocate for adults, children and
11 adolescents with serious mental illness or severe emotional,
12 neurobiological and behavioral disorders, as well as those with
13 mental illness or emotional problems, including substance abuse
14 and co-occurring disorders;

15 (2) report annually to the governor and the
16 legislature on the adequacy and allocation of mental health
17 services throughout the state;

18 (3) encourage and support the development of a
19 comprehensive, integrated, community-based behavioral health
20 system of care, including mental health and substance abuse
21 services, and services for persons with co-occurring disorders;

22 (4) advise state agencies responsible for
23 behavioral health services for children and adults, as those
24 agencies are charged in Section 9-7-6.4 NMSA 1978;

25 (5) meet regularly and at the call of the

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1 chair, who shall be selected by the council membership from
2 among its members;

3 (6) establish subcommittees, to meet at least
4 quarterly, as follows:

5 (a) a medicaid subcommittee, chaired by
6 the secretary of human services or a designee, which may also
7 serve as a subcommittee of the medicaid advisory committee;

8 (b) a child and adolescent subcommittee,
9 chaired by the secretary of children, youth and families or a
10 designee;

11 (c) an adult subcommittee, chaired by
12 the secretary of health or a designee;

13 (d) a substance abuse subcommittee,
14 chaired by the secretary of health or a designee, which shall
15 include DWI issues and shall include representation from local
16 DWI councils; ~~and~~

17 (e) a Native American subcommittee,
18 chaired by the secretary of Indian affairs or a designee; and

19 ~~[(e)]~~ (f) other subcommittees as may be
20 established by the chair of the council to address specific
21 issues. All subcommittees may include nonvoting members
22 appointed by the chair for purposes of providing expertise
23 necessary to the charge of the respective subcommittee;

24 (7) review and make recommendations for the
25 comprehensive mental health state block grant and the substance

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1 abuse block grant applications, the state plan for medicaid
2 services and any other plan or application for federal or
3 foundation funding for behavioral health services; and

4 (8) replace the governor's mental health
5 planning council and act in accordance with Public Law 102-321
6 of the federal Public Health Service Act. "