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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;
- (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;

(2) Native American representatives from a
pueblo, an Apache tribe, the Navajo Nation and an urban
Native American population;

- 1 (3) providers;
- 2 (4) state agency representation from
- 3 agencies responsible for:
- 4 (a) adult mental health and substance
- 5 abuse;
- 6 (b) children's mental health and
- 7 substance abuse;
- 8 (c) education;
- 9 (d) vocational rehabilitation;
- 10 (e) criminal justice;
- 11 (f) juvenile justice;
- 12 (g) housing;
- 13 (h) medicaid and social services;
- 14 (i) health policy planning;
- 15 (j) developmental disabilities
- 16 planning; and
- 17 (k) disabilities issues and advocacy;
- 18 (5) such other members as the governor may
- 19 appoint to ensure appropriate cultural and geographic
- 20 representation; and
- 21 (6) advocates.

22 B. Providers and state agency representatives

23 together may not constitute more than forty-nine percent of

24 the council membership.

25 C. The council shall:

1 (1) advocate for adults, children and
2 adolescents with serious mental illness or severe emotional,
3 neurobiological and behavioral disorders, as well as those
4 with mental illness or emotional problems, including
5 substance abuse and co-occurring disorders;

6 (2) report annually to the governor and the
7 legislature on the adequacy and allocation of mental health
8 services throughout the state;

9 (3) encourage and support the development of
10 a comprehensive, integrated, community-based behavioral
11 health system of care, including mental health and substance
12 abuse services, and services for persons with co-occurring
13 disorders;

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

17 (5) meet regularly and at the call of the
18 chair, who shall be selected by the council membership from
19 among its members;

20 (6) establish subcommittees, to meet at
21 least quarterly, as follows:

22 (a) a medicaid subcommittee, chaired by
23 the secretary of human services or a designee, which may also
24 serve as a subcommittee of the medicaid advisory committee;

25 (b) a child and adolescent

1 subcommittee, chaired by the secretary of children, youth and
2 families or a designee;

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

5 (d) a substance abuse subcommittee,
6 chaired by the secretary of health or a designee, which shall
7 include DWI issues and shall include representation from
8 local DWI councils;

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

11 (f) other subcommittees as may be
12 established by the chair of the council to address specific
13 issues. All subcommittees may include nonvoting members
14 appointed by the chair for purposes of providing expertise
15 necessary to the charge of the respective subcommittee;

16 (7) review and make recommendations for the
17 comprehensive mental health state block grant and the
18 substance abuse block grant applications, the state plan for
19 medicaid services and any other plan or application for
20 federal or foundation funding for behavioral health services;
21 and

22 (8) replace the governor's mental health
23 planning council and act in accordance with Public Law
24 102-321 of the federal Public Health Service Act."_____