

1 SENATE JOINT MEMORIAL 63

2 47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A MANDATORY
12 TREATMENT TASK FORCE TO REEXAMINE NEW MEXICO'S SYSTEM OF
13 MANDATORY TREATMENT FOR THOSE WITH SERIOUS MENTAL ILLNESS.

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15 WHEREAS, the second session of the forty-seventh
16 legislature has not reached consensus on a law to improve New
17 Mexico's system of mandatory treatment for those with serious
18 mental illness; and

19 WHEREAS, families whose loved ones were killed by persons
20 with serious mental illness advocate legislative examination of
21 the current law, which in some cases has been inadequate to
22 treat those who have crossed the line from serious mental
23 illness into outright dangerousness; and

24 WHEREAS, financial constraints are reported to contribute
25 to persons with serious mental illness being untreated even

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1 when they and others recognize a deterioration in mental health
2 that may endanger the community; and

3 WHEREAS, convening a group with a variety of backgrounds
4 offers the promise of finding a means of amending current New
5 Mexico law in a way that does not pit the individual dignity of
6 persons with serious mental illness against the safety needs of
7 the community; and

8 WHEREAS, a comprehensive change to the competency,
9 commitment and treatment law is likely to require comprehensive
10 planning rather than a quick fix in an overwhelmed and
11 inefficient health care system; and

12 WHEREAS, differing perspectives are required to consider
13 the needs of patients, the factors that contribute to potential
14 violence and the current gap in resources in order to develop
15 an effective but humane law; and

16 WHEREAS, a responsive, responsible and rational law would
17 be a fitting remembrance to the victims of this tragedy;

18 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
19 STATE OF NEW MEXICO that the secretary of health be requested
20 to convene a mandatory treatment task force to study recent
21 competency cases in order to define current problems; to review
22 New Mexico mental health law to identify gaps; to evaluate the
23 success of other states' mandatory treatment laws, particularly
24 those categorized as "Kendra's laws", and recommend whether
25 other approaches would improve New Mexico law; to define

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1 optimal professional diagnostic evaluation and to define
2 clinical interventions appropriate for the needs of those New
3 Mexicans with serious mental illness; to propose mechanisms for
4 locating and communicating with those diagnosed with serious
5 mental illness and providers and case managers; to explore
6 funding for individual cases and state monitoring strategies;
7 to define medical liability issues; to propose adequate levels
8 of state support for a workable system; to draft consensus
9 legislation for 2007; and to propose other legislation to
10 improve community-based services for the seriously mentally
11 ill; and

12 BE IT FURTHER RESOLVED that the mandatory treatment task
13 force be composed of fifteen persons, including the secretaries
14 of health and children, youth and families or their designees;
15 a representative of the university of New Mexico mental health
16 center staff; a psychiatrist in private practice; a mental
17 health professional from a field other than psychiatry, such as
18 psychology; a mental health law specialist who works at a
19 nonprofit organization dedicated to persons with disabilities;
20 a law enforcement professional; a public defender who works in
21 the mental health division of the public defender office; a
22 district attorney who is competent in commitment proceedings; a
23 person who serves as a treatment guardian for a person with
24 mental illness; a representative from the mental health court
25 in the second judicial district; a legislative analyst; a

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1 representative from the insurance division of the public
2 regulation commission; a social worker; and a representative of
3 a group that works on behalf of homeless clients; and

4 BE IT FURTHER RESOLVED that the mandatory treatment task
5 force report its findings and recommendations to the
6 legislative health and human services committee no later than
7 its November 2006 meeting; and

8 BE IT FURTHER RESOLVED that a copy of this memorial be
9 transmitted to the secretary of health.

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