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SENATE MEMORIAL 35

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

INTRODUCED BY

Steve Komadina

A MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO REVIEW NEW MEXICO'S SYSTEM OF REQUIRED TREATMENT FOR THOSE WITH SERIOUS MENTAL ILLNESS.

WHEREAS, the legislative discussions of initiatives to require assisted outpatient treatment services brought advocates from many perspectives during the second session of the forty-seventh legislature to a shared agreement on the need to improve New Mexico's outpatient treatment for those with serious mental illness; and

WHEREAS, families with loved ones who have been injured or killed by persons with serious mental illness advocate for legislative examination and revision of current laws; and

WHEREAS, existing mental health requirements, such as treatment guardianship and involuntary commitment for severely

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1 mentally ill persons, may not provide treatment by less
2 restrictive means or by community outpatient services; and

3 WHEREAS, convening a task force whose members have a
4 variety of backgrounds will provide the opportunity to consider
5 consumer rights and public safety and mandated treatment and
6 invasion of privacy and other civil rights, while confronting
7 the societal responsibility of addressing the unmet needs of
8 the mentally ill; and

9 WHEREAS, changes to competency, commitment and treatment
10 requirements will require comprehensive planning and
11 coordination among many health care and community groups; and

12 WHEREAS, differing perspectives are required to consider
13 the needs of individuals with mental health issues, the factors
14 that contribute to potential violence and ways to address
15 resource limitations to develop effective but humane laws; and

16 WHEREAS, creation of responsive, responsible and rational
17 laws and rules would be a fitting memorial to innocent victims;

18 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
19 OF NEW MEXICO that through the interagency behavioral health
20 purchasing collaborative the secretary of health be requested
21 to convene an assisted outpatient treatment services task force
22 to study recent cases of violent behavior in persons with
23 severe mental disorders; to review New Mexico mental health
24 laws to identify current problems; to evaluate the relative
25 success or failure of other states' assisted outpatient

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1 treatment laws, particularly those referred to as "Kendra's
2 law", to form a basis for their recommendations to improve New
3 Mexico laws; to review New Mexico health laws to identify
4 programs and resources already mandated but not funded; to work
5 with the collaborative in assessing continuing care needs and
6 funding for treatment; to propose mechanisms for locating and
7 improving communications with individuals presenting with
8 serious mental illness and their treatment guardians, care
9 providers and case managers and law enforcement officials and
10 judicial officials; to assess funding needs for court-ordered
11 evaluation and treatment and state-mandated strategies; to
12 outline medical liability issues; and through consensus to
13 recommend appropriate legislation to the first session of the
14 forty-eighth legislature; and

15 BE IT FURTHER RESOLVED that the assisted outpatient
16 treatment services task force be composed of ten members,
17 including the secretary of health; a psychiatrist licensed to
18 practice in New Mexico; a mental health professional from a
19 field other than psychiatry, such as psychology; a mental
20 health law specialist; a representative of a nonprofit
21 organization that primarily serves persons with disabilities; a
22 law enforcement professional; a person who serves as a
23 treatment guardian for a person with mental illness; a case
24 manager for a person with mental illness; a family member of a
25 person with mental illness; and a consumer. The task force

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1 will call on experts from areas such as clinical services,
2 legal rights, law enforcement and consumer advocacy to make
3 recommendations on proposed legislation; and

4 BE IT FURTHER RESOLVED that the collaborative report the
5 findings and recommendations of the task force 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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