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SENATE MEMORIAL 38

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

INTRODUCED BY

Steve Komadina

A MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE AN ASSISTED
OUTPATIENT TREATMENT SERVICES TASK FORCE TO REEXAMINE NEW
MEXICO'S SYSTEM OF MANDATORY TREATMENT FOR THOSE WITH SERIOUS
MENTAL ILLNESS.

WHEREAS, the senate public affairs committee discussions
of Senate Bill 355 brought advocates from many perspectives
during the second session of the forty-seventh legislature to a
shared agreement on the need for improvements in New Mexico's
system of assisted outpatient treatment services for those with
serious mental illness; and

WHEREAS, families with loved ones who were killed by
persons with serious mental illness advocate for legislative
examination of current laws, which, in some cases, have been
inadequate to provide treatment for those who have crossed the

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1 line from being mentally ill to being violent and an outright
2 danger to others; and

3 WHEREAS, existing mental health law has required
4 programming, such as treatment guardianships for severely
5 mentally ill persons, without providing realistic funding and
6 providing for development of community resources; and

7 WHEREAS, convening a task force whose members have a
8 variety of backgrounds offers the promise of striking a balance
9 between individual rights and the communal good, between
10 mandated treatment and invasion of privacy and between safety
11 and freedom, all the while confronting the societal
12 responsibility of addressing the unmet needs of the mentally
13 ill; and

14 WHEREAS, changes to competency, commitment and treatment
15 laws are going to require comprehensive planning and
16 coordination among many health care groups, not just a quick
17 fix to an overwhelmed and inefficient health care system; and

18 WHEREAS, differing perspectives are required to consider
19 the needs of patients, the factors that contribute to potential
20 violence and the ways to address the current gap in resources
21 in order to develop effective but humane laws; and

22 WHEREAS, creation of responsive, responsible and rational
23 laws would be a fitting memorial to innocent victims;

24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
25 OF NEW MEXICO that the secretary of health be requested to

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1 convene an assisted outpatient treatment services task force to
2 study recent cases of violent behavior in persons with severe
3 mental disorders; to review New Mexico mental health laws to
4 identify current problems; to evaluate the relative success or
5 failure of other states' assisted outpatient treatment laws,
6 particularly those categorized as "Kendra's laws", to form a
7 basis for their recommendations to improve New Mexico laws; to
8 review New Mexico health laws to identify programs and
9 resources already mandated but not funded; to define clinical
10 guidelines for comprehensive diagnostic evaluation as the
11 planning base for psychiatric treatment and rehabilitation; to
12 define clinical interventions appropriate for New Mexico's
13 needs; to detail guidelines on who does what to whom in what
14 settings and circumstances; to define continuing care needs and
15 funding for nonvoluntary treatment; to define criteria for
16 terminating mandated treatment; to propose mechanisms for
17 locating and improving communications with those presenting
18 with serious mental illness and their treatment guardians, care
19 providers and case managers and with law enforcement officials
20 and judicial officials; to define funding needs for court-
21 ordered evaluation and treatment and state-mandated strategies;
22 to define medical liability issues; and to bring new consensus
23 legislation for assisted outpatient treatment services,
24 including funding requirements, to the first session of the
25 forty-eighth legislature; and

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1 BE IT FURTHER RESOLVED that the assisted outpatient
2 treatment services task force be composed of twelve members,
3 including the secretary of health, the secretary of children,
4 youth and families and the superintendent of insurance or their
5 designees; a representative of the psychiatric medical
6 association of New Mexico; a representative of the department
7 of psychiatry in the school of medicine at the university of
8 New Mexico; a psychiatrist from a public health program, such
9 as the veterans' administration; a mental health professional
10 from a field other than psychiatry, such as psychology; a
11 mental health law specialist from the university of New Mexico
12 law school; a representative of a nonprofit organization
13 dedicated to persons with disabilities; a law enforcement
14 professional; a person who serves as a treatment guardian for a
15 person with mental illness; and a case manager for a person
16 with mental illness. The task force will call on experts from
17 areas such as clinical services, rights, enforcement and
18 advocacy to review and revise proposed legislation; and

19 BE IT FURTHER RESOLVED that the task force report its
20 findings and recommendations to the legislative health and
21 human services committee no later than its November 2006
22 meeting; and

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