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FISCAL IMPACT REPORT

SPONSOR Stewart **ORIGINAL DATE** 1/29/07
LAST UPDATED 2/22/07 **HB** 528/aHAFC

SHORT TITLE Inmate Opiate Replacement Therapy **SB** _____

ANALYST Peery-Galon

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	NA	\$250.0	\$0.0	\$250.0	Non- Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Responses Received From

Public Defender Department (PDD)
Department of Health (DOH)
New Mexico Corrections Department (NMCD)
Commission on the Status of Women

SUMMARY

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment to House Bill 528 removes all language pertaining to an appropriation from the proposed legislation.

Synopsis of Original Bill

House Bill 528 appropriates \$250.0 from the general fund to the New Mexico Corrections Department for expenditure in fiscal years 2008 and 2009 for the opiate replacement therapy for inmates pilot project. The pilot project is to provide opiate replacement treatment to 50 women, with a history of heroin or other opiate addiction, incarcerated in or paroled from the New Mexico Women's Correctional Facility in Grants and the Camino Nuevo Correctional Center in Albuquerque. The pilot project is to run from July 1, 2007 through June 30, 2009. The Corrections Department in collaboration with the Department of Health will evaluate the impact of the therapy on recidivism, drug use and health and social indicators of the women compared to non-participants. The Corrections Department and the Department of Health are both to report independently to the appropriate interim legislative committee on the evaluations, treatments and outcomes of the pilot project participants by December 1, 2008 and again by December 1, 2009.

FISCAL IMPLICATIONS

The appropriation of \$250.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2009 shall revert to the general fund.

NMCD reports the department estimates it will require at least \$350,000 to satisfy the requirements of the proposed legislation for the following reasons:

- Purchase of appropriate medications and treatment of any consequences of therapy;
- Opiate replacement therapy is not included as the scope of work with the Correction Department's current medical services contractor;
- Even with the current medical providers approval to include this therapy in their scope of work, the Camino Nuevo facility is inadequately staffed to perform the duties and responsibilities required by the proposed legislation; and
- Two additional full-time-equivalent positions, one physician and one registered nurse, will be needed to administer the pilot project.

SIGNIFICANT ISSUES

DOH reports based on Senate Joint Memorial 29 Study from 2002, that 75 percent of women who go to prison for the first time for narcotic related crimes will re-offend and return to prison within 2.5 years. The buprenorphine pilot project is an inmate treatment program that would provide the first medical intervention to break the cycle of criminal activities that occur to support drug addiction. Buprenorphine is a daily oral medication that is approved by the Drug Enforcement Agency. Buprenorphine when combined with Naloxone effectively blocks the action of heroin and other narcotics. DOH states this is extremely safe medication that is used in community-based narcotic treatment programs.

PDD states support for legislation that improves the overall operation of the criminal justice system and prevents recidivism.

PERFORMANCE IMPLICATIONS

DOH states the proposed legislation relates to the department's strategic plan to improve access, quality, and value of mental health and substance abuse services, and to decrease the transmission of infectious diseases and expands services for persons with infectious diseases.

ADMINISTRATIVE IMPLICATIONS

NMCD states the proposed legislation places several significant and onerous administrative requirements on the Corrections Department in administering and assessing the treatment program. NMCD reports it will probably take many manpower hours to determine the relevant recidivism rates and related requested information, and may take department staff away from their normal duties. New policies and procedures would need to be developed and implemented for administering and assessing the treatment program. Also, NMCD reports a Memorandum of Understanding would need to be drafted and implemented with the Department of Health.

OTHER SUBSTANTIVE ISSUES

DOH reports more than 600 women incarcerated in New Mexico correctional facilities collectively leave behind 1,800 dependent children under the age of 18. DOH reports based on Senate Joint Memorial 29 Study from 2002, female recidivism for narcotic-related activities cost New Mexican taxpayers nearly \$3 million per year.

DOH states that Hispanics in New Mexico represent the majority of heroin users enrolled in the department's syringe exchange program, and Hispanic women represent the majority of women incarcerated for drug-related crimes.

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