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FISCAL IMPACT REPORT

	ORIGINAL DATE 2/05/09		
SPONSOR <u>Morales</u>	LAST UPDATED <u>2/27/09</u>	HB	
	Interstate Compact on Mental Health and Civil		
SHORT TITLE <u>Commitments</u>		SB	<u>178/aSFL#1</u>
		ANALYST	<u>Earnest</u>

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Human Services Department (HSD)
 Department of Health (DOH)
 Developmental Disabilities Planning Council (DDPC)
 Aging and Long Term Services Department (ALTSD)
 Administrative Office of the Courts

SUMMARY

Synopsis of SFL Amendment #1

Senate Floor Amendment to Senate Bill 78 strikes sections 2 through 4, which amended sections of the Mental Health and Developmental Disabilities Code regarding civil commitments.

Synopsis of Original Bill

Senate Bill 178 amends Section 11-7-2 NMSA 1978 of the Interstate Compact on Mental Health to change the designation of the compact administrator from the Director of Behavioral Health Services Division of the Human Services Department (HSD) to the Administrator of the New Mexico Behavioral Health Institute (NMBHI) at Las Vegas.

SB178 would also amend the Mental Health and Developmental Disabilities Code (MHDD Code) to remove references to the “Department or Division” related to the authority to seek civil commitment of persons with mental health issues or a developmental disability.

FISCAL IMPLICATIONS

None identified.

SIGNIFICANT ISSUES

SB178 is supported by Department of Health (DOH) to address inadvertent issues that arose as a result of moving the Behavioral Health Services Division from DOH to HSD. Without these changes, DOH believes HSD would have the legal authority to seek civil commitment of individuals not in their care and they would be the point person for coordination of services at the state hospital which they do not operate.

According to HSD, DOH is in practice the primary agency that coordinates services at the state hospital with similar agencies in other states under the Interstate Compact on Mental Health. The Administrator of the New Mexico Behavioral Health Institute (NMBHI) at Las Vegas is the person to whom all such cases are referred, as well as the operational authority when civil commitment of individuals in NMBHI's care is sought. SB178 appropriately gives DOH the legal authority to seek such civil commitment of individuals in their care.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 178 amends the same section of statute as House Bill 161.

BE/svb:mt