

HOUSE JOINT MEMORIAL 46

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE ROLE OF  
LICENSURE IN ENSURING THAT PERSONS BEING DISCHARGED FROM THE  
BEHAVIORAL HEALTH INSTITUTE AT LAS VEGAS IN NEED OF RESIDENTIAL  
CARE ARE ADMITTED TO THE APPROPRIATE RESIDENTIAL CARE  
FACILITIES.

WHEREAS, the behavioral health institute at Las Vegas is  
an inpatient psychiatric facility whose purpose is the  
observation, diagnosis, treatment, care and maintenance of the  
mentally ill; and

WHEREAS, the mentally ill persons admitted to the  
institute are, at the time of their admission, psychiatrically  
unstable individuals, unable to manage their own affairs on a  
temporary basis; and

WHEREAS, some of the patients in the institute are there

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1 involuntarily, secondary to a legal commitment proceeding; and

2 WHEREAS, upon discharge from the institute, many patients  
3 are in need of continuing supervision, shelter and residential  
4 care; and

5 WHEREAS, upon discharge from the institute, a careful  
6 assessment of the needs and desires of a patient must be  
7 accomplished to determine the most appropriate setting for  
8 residential shelter care for that patient; and

9 WHEREAS, there exists an array of adult residential care  
10 facilities, some that are licensed and some that are not, and  
11 that are called by various names, including board and care  
12 homes, shelter care homes and adult residential shelter care  
13 homes; and

14 WHEREAS, residential care facilities are required to be  
15 licensed in the state if they care for two or more individuals  
16 in need of assistance with two or more activities of daily  
17 living; and

18 WHEREAS, licensed residential care facilities are capable  
19 of addressing a more complex level of care and can provide  
20 closer supervision for a patient in need of that level of care;  
21 and

22 WHEREAS, unlicensed residential care facilities may offer  
23 an alternative dwelling for a patient whose care needs are  
24 stabilized and who desires more independence; and

25 WHEREAS, residential care facilities that are not licensed

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1 are not required to demonstrate the same standard of care as  
2 those that are licensed; and

3 WHEREAS, licensed residential care facilities are required  
4 to meet standards such as liability insurance, training for  
5 cardiopulmonary resuscitation and first aid, testing for  
6 communicable diseases and criminal background checks; and

7 WHEREAS, licensed residential care facilities are required  
8 by regulation to provide nutritious meals, limit the number of  
9 residents in each room and separate residents by gender; and

10 WHEREAS, the resident of a residential care facility may  
11 still be in need of assistance with taking psychotropic and  
12 other medications, and the licensed residential care facility  
13 is required to employ people with knowledge and understanding  
14 of the uses and side effects of these drugs and the symptoms of  
15 mental illness; and

16 WHEREAS, licensed residential care facilities are required  
17 to meet all these standards and more, and are surveyed on a  
18 regular basis for compliance with these standards; and

19 WHEREAS, while the regulations that require a licensed  
20 residential care facility to meet these standards are necessary  
21 and important for some residents with complex care needs, a  
22 less regulated environment might be appropriate for residents  
23 requiring less supervision and intervention; and

24 WHEREAS, despite the different levels of need that may be  
25 demonstrated by a resident, there is currently only one set of

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1 regulations that addresses adult residential shelter care and  
2 sets the standards for residential care facilities;

3 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
4 STATE OF NEW MEXICO that the department of health be requested  
5 to study the role of licensure in ensuring that persons being  
6 discharged from the behavioral health institute at Las Vegas in  
7 need of residential shelter care are admitted to the  
8 appropriate residential care facilities; and

9 BE IT FURTHER RESOLVED that the department of health  
10 consult with the state ombudsman; an association representing  
11 mental health providers; residents of residential care  
12 facilities; family members of persons with mental illness; the  
13 behavioral health services division of the human services  
14 department; and the statewide entity for behavioral health  
15 services in identifying the necessary steps to comply with this  
16 request; and

17 BE IT FURTHER RESOLVED that the department of health  
18 consider the merits of developing additional regulations to set  
19 standards and oversee quality in residential care facilities  
20 that serve residents who do not meet the criteria to be placed  
21 in a licensed facility or who do not choose to live in a  
22 licensed residential care facility; and

23 BE IT FURTHER RESOLVED that a report of the findings and  
24 recommendations of the study be presented to the interim  
25 legislative health and human services committee by December 1,

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1 2009; and

2 BE IT FURTHER RESOLVED that a copy of this memorial be  
3 transmitted to the department of health.

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