

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 involuntarily, secondary to a legal commitment proceeding; and

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

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

WHEREAS, there exists an array of adult residential care

facilities, some that are licensed and some that are not, and that are called by various names, including board and care homes, shelter care homes and adult residential shelter care homes; and

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

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

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

WHEREAS, residential care facilities that are not licensed are not required to demonstrate the same standard of care as those that are licensed; and

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

WHEREAS, licensed residential care facilities are required by regulation to provide nutritious meals, limit the

number of residents in each room and separate residents by gender; and

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

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

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

WHEREAS, despite the different levels of need that may be demonstrated by a resident, there is currently only one set of regulations that addresses adult residential shelter care and sets the standards for residential care facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the department of health be requested to study the role of licensure in ensuring that persons being discharged from the behavioral health institute at Las Vegas

in need of residential shelter care are admitted to the appropriate residential care facilities; and

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

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

BE IT FURTHER RESOLVED that a report of the findings and recommendations of the study be presented to the interim legislative health and human services committee by December 1, 2010; and

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