

HOUSE HEALTH, GOVERNMENT AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 588

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO MENTAL HEALTH; CREATING COMMUNITY ENGAGEMENT TEAMS
TO ENGAGE AND ASSIST PERSONS UNLIKELY TO LIVE SAFELY IN THE
COMMUNITY BUT WHO DO NOT IMMEDIATELY REQUIRE INPATIENT OR
EMERGENCY CARE; MAKING THE DEPARTMENT OF HEALTH RESPONSIBLE FOR
OVERSIGHT OF COMMUNITY ENGAGEMENT TEAMS; REQUIRING THE
DEPARTMENT TO ESTABLISH A COMMUNITY ENGAGEMENT TEAM PILOT
PROJECT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the
"Community Engagement Team Act".

SECTION 2. PURPOSE.--The purpose of the Community
Engagement Team Act is to:

A. utilize community outreach to engage and link a
person with serious mental illness who is unlikely to live

.193832.3

underscored material = new
[bracketed material] = delete

1 safely in the community to voluntary treatment and other
2 services;

3 B. reduce the rate of intervention by law
4 enforcement, involuntary hospitalization or incarceration
5 through early outreach to prevent or lessen the mental
6 deterioration of persons with serious mental illness who are
7 unlikely to live safely in the community; and

8 C. lessen the duration and severity of mental
9 illness of persons with serious mental illness who are unlikely
10 to live safely in the community through early detection and
11 targeted intervention.

12 SECTION 3. DEFINITIONS.--As used in the Community
13 Engagement Team Act:

14 A. "case manager" means a person with specific
15 skills, training and knowledge in mental health who manages and
16 coordinates mental health resources and services;

17 B. "community engagement team" means a group whose
18 members assist in the engagement of persons who have a mental
19 disorder or illness and who, based upon a clinical
20 determination, without treatment are unlikely to live safely in
21 the community without support, but who do not immediately
22 require inpatient or emergency care;

23 C. "department" means the department of health;

24 D. "mental disorder or illness" means a substantial
25 disorder of a person's emotional processes, thought or

1 cognition that grossly impairs judgment, behavior or capacity
2 to recognize reality, but does not mean developmental
3 disability;

4 E. "qualified mental health professional licensed
5 for independent practice" means a physician, psychologist,
6 independent social worker, licensed professional clinical
7 mental health counselor, marriage and family therapist,
8 certified nurse practitioner or clinical nurse specialist with
9 a specialty in mental health, who by training and experience is
10 qualified to work with persons with a mental disorder or
11 illness;

12 F. "treatment" means any effort to accomplish a
13 significant change in the mental or emotional condition or
14 behavior of a person with a mental disorder or illness; and

15 G. "unlikely to live safely in the community" means
16 that there is a substantial probability that, if left
17 untreated, a person will suffer mental distress and experience
18 deterioration of the ability to function independently and to
19 consistently maintain the person's health, safety or welfare
20 without support and mental health services, as evidenced by a
21 pattern of behavior showing an inability to refrain from
22 behavior that threatens or endangers the person or others.

23 **SECTION 4. COMMUNITY ENGAGEMENT TEAM CREATED.--**

24 A. A community engagement team shall work with
25 persons with a mental health or co-occurring disorder and shall

.193832.3

1 not work with persons whose sole diagnosis is a developmental
2 disability, mental retardation or brain injury.

3 B. A community engagement team may be a public or
4 private entity or a public-private partnership.

5 C. A community engagement team shall have at least
6 one member who is a physician or qualified mental health
7 professional licensed for independent practice and may include
8 members who are case managers, community support workers or
9 core service workers acting under the supervision of a
10 qualified mental health professional licensed for independent
11 practice.

12 D. In the absence of good cause given to the
13 department, a community engagement team shall have at least one
14 peer who lives with a mental illness as a member of the team.

15 E. A community engagement team is not intended to
16 be a treatment provider and is intended to function as a link
17 to services.

18 SECTION 5. ACTIVITIES OF A COMMUNITY ENGAGEMENT TEAM.--A
19 community engagement team shall:

20 A. determine eligibility for its services;

21 B. make reasonable efforts to engage a person who
22 is unlikely to live safely in the community to voluntarily
23 consent to assessment for treatment;

24 C. assist a person who is unlikely to live safely
25 in the community to access appropriate services and support to

1 enable such person to continue to live in the community,
2 including providing resources for housing, food,
3 transportation, mental health or other health treatment; and

4 D. strive to provide culturally appropriate
5 services to the persons it serves.

6 SECTION 6. DEPARTMENT RESPONSIBILITIES.--

7 A. The department shall authorize the formation of
8 community engagement teams to work with persons who are
9 unlikely to live safely in the community.

10 B. The department shall:

11 (1) be responsible for oversight of community
12 engagement teams;

13 (2) report annually on the community
14 engagement teams operating throughout the state under its
15 supervision to the legislative health and human services
16 committee, to the legislative finance committee and to the
17 appropriate interim committee that studies courts and
18 corrections;

19 (3) make information regarding community
20 engagement teams, including a current directory of community
21 engagement teams throughout the state, available to the public
22 online; and

23 (4) promulgate rules necessary or appropriate
24 to implement the provisions of this section.

25 SECTION 7. CONFIDENTIALITY.--A community engagement team

.193832.3

1 established pursuant to the Community Engagement Team Act and
2 pursuant to rules promulgated by the department shall be
3 considered a provider of services consistent with federal and
4 state confidentiality laws.

5 SECTION 8. COMMUNITY ENGAGEMENT TEAM PILOT PROJECT.--

6 A. By July 1, 2013, the department shall establish
7 a five-year community engagement team pilot project.

8 B. The department may contract with community
9 engagement team entities that are public, private or public-
10 private partnerships.

11 C. Community engagement teams participating in the
12 pilot project may be funded in whole or in part from sources
13 other than the state.

14 D. The department shall incorporate telehealth into
15 the pilot project, including:

16 (1) the establishment of a twenty-four-hour
17 hotline for community engagement team members to consult with a
18 mental health professional;

19 (2) the use of distance technology and the
20 internet to leverage scarce health care resources in the area
21 of behavioral health; and

22 (3) the use of teleconferencing to train rural
23 providers to integrate best practice screening and treatment
24 protocols.

25 E. The department shall adopt standards for the

1 pilot project community engagement teams, and each community
2 engagement team shall be contractually required to meet such
3 standards.

4 F. The department shall adopt metrics as
5 recommended by the advisory committee to evaluate the
6 effectiveness of community engagement teams participating in
7 the pilot project and shall require community engagement teams
8 to report such data as are necessary to measure the
9 effectiveness of community engagement teams in reducing
10 involuntary admissions for evaluation or treatment,
11 intervention by law enforcement and detention in correctional
12 facilities.

13 G. Total costs to administer the pilot project
14 shall not exceed three percent of project funding.

15 H. The department shall report annually on the
16 community engagement team pilot project to the legislative
17 health and human services committee, the legislative finance
18 committee and the appropriate interim legislative committee
19 that studies courts and corrections.

20 I. From July 1, 2013 through June 30, 2014, the
21 department shall:

22 (1) meet and confer with parties interested in
23 participating in the pilot project;

24 (2) develop rules for community engagement
25 teams;

.193832.3

1 (3) develop plans and a budget for the
2 implementation of the pilot project; and

3 (4) select sites for the pilot project.

4 J. Within thirty days of the effective date of the
5 Community Engagement Team Act, the department shall appoint an
6 advisory committee to include a representative from:

7 (1) the administrative office of the courts;

8 (2) the New Mexico state police division of
9 the department of public safety;

10 (3) a medical officer of the public health
11 division of the department; and

12 (4) a not-for-profit health care organization
13 that leads the aligning forces for quality initiative in
14 Albuquerque to ensure a thorough and unbiased evaluation of
15 this pilot project established under the Community Engagement
16 Team Act.

17 K. The advisory committee shall:

18 (1) develop policies and procedures for
19 evaluation of the community engagement team pilot project;

20 (2) develop criteria for data collection and
21 pilot project evaluation;

22 (3) report on its activities and
23 recommendations to the legislative health and human services
24 committee, the legislative finance committee and the
25 appropriate interim legislative committee that studies courts

1 and corrections by October 31, 2014; and

2 (4) meet as often as necessary to analyze
3 data, monitor and produce an annual report on the pilot project
4 by October 31 of each year beginning in 2015.

5 L. By July 1, 2014, the department shall commence
6 the pilot project.

7 SECTION 9. APPROPRIATION.--One hundred fifty thousand
8 dollars (\$150,000) is appropriated from the general fund to the
9 department of health for expenditure in fiscal year 2014 and
10 subsequent fiscal years to fund activities specified in
11 Subsections I through K of Section 8 of the Community
12 Engagement Team Act and to begin implementation of the pilot
13 project. Any unexpended or unencumbered balance remaining at
14 the end of a fiscal year shall not revert to the general fund.

15 SECTION 10. DELAYED REPEAL.--Effective July 1, 2019, the
16 Community Engagement Team Act is repealed.

17 - 9 -
18
19
20
21
22
23
24
25