

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

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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.

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

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. "collaborative" means the interagency behavioral
18 health purchasing collaborative;

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

25 D. "department" means the department of health;

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1 E. "mental disorder or illness" means a substantial
2 disorder of a person's emotional processes, thought or
3 cognition that grossly impairs judgment, behavior or capacity
4 to recognize reality, but does not mean developmental
5 disability;

6 F. "performance improvement" means a process
7 designed to achieve significant improvement over a sustained
8 period of time through ongoing measurement and analysis;

9 G. "qualified mental health professional licensed
10 for independent practice" means a physician, psychologist,
11 independent social worker, licensed professional clinical
12 mental health counselor, marriage and family therapist,
13 certified nurse practitioner or clinical nurse specialist with
14 a specialty in mental health, who by training and experience is
15 qualified to work with persons with a mental disorder or
16 illness;

17 H. "treatment" means any effort to accomplish a
18 significant change in the mental or emotional condition or
19 behavior of a person with a mental disorder or illness; and

20 I. "unlikely to live safely in the community" means
21 that there is a substantial probability that, if left
22 untreated, a person will suffer mental distress and experience
23 deterioration of the ability to function independently and to
24 consistently maintain the person's health, safety or welfare
25 without support and mental health services, as evidenced by a

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1 pattern of behavior showing an inability to refrain from
2 behavior that threatens or endangers the person or others.

3 SECTION 4. COMMUNITY ENGAGEMENT TEAM CREATED.--

4 A. A community engagement team shall work with
5 persons with a mental health or co-occurring disorder and shall
6 not work with persons whose sole diagnosis is a developmental
7 disability, intellectual disability or brain injury.

8 B. A community engagement team may be a public or
9 private entity or a public-private partnership.

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

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

20 E. A community engagement team is not intended to
21 be a treatment provider and is intended to function as a link
22 to services.

23 SECTION 5. ACTIVITIES OF A COMMUNITY ENGAGEMENT TEAM.--A
24 community engagement team shall:

25 A. determine eligibility for its services;

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1 B. make reasonable efforts to engage a person who
2 is unlikely to live safely in the community to voluntarily
3 consent to assessment for treatment or other services;

4 C. assist a person who is unlikely to live safely
5 in the community to access appropriate services and support to
6 enable such person to continue to live in the community,
7 including providing links to resources for housing, food,
8 transportation, mental health or other health treatment; and

9 D. strive to provide culturally appropriate
10 services to the persons it serves.

11 **SECTION 6. DEPARTMENT RESPONSIBILITIES.--**

12 A. The department shall authorize the formation of
13 community engagement teams to work with persons who are
14 unlikely to live safely in the community.

15 B. The department shall:

16 (1) be responsible for oversight of community
17 engagement teams;

18 (2) report annually on the community
19 engagement teams operating throughout the state under its
20 supervision to the legislative health and human services
21 committee, to the legislative finance committee and to the
22 appropriate interim committee that studies courts and
23 corrections;

24 (3) make information regarding community
25 engagement teams, including a current directory of community

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1 engagement teams throughout the state, available to the public
2 online; and

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

5 SECTION 7. CONFIDENTIALITY.--A community engagement team
6 established pursuant to the Community Engagement Team Act and
7 pursuant to rules promulgated by the department shall be
8 considered a provider of services consistent with federal and
9 state confidentiality laws.

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

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

13 B. The department may contract with community
14 engagement team entities that are public, private or public-
15 private partnerships.

16 C. Community engagement teams participating in the
17 pilot project may be funded in whole or in part from sources
18 other than the state.

19 D. The department shall incorporate telehealth into
20 the pilot project, including:

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

24 (2) the use of distance technology and the
25 internet to leverage scarce health care resources in the area

1 of behavioral health; and

2 (3) the use of teleconferencing to train rural
3 providers to integrate best practice screening and treatment
4 protocols.

5 E. The department, in consultation with the
6 collaborative, shall adopt standards for the pilot project
7 community engagement teams, and each community engagement team
8 shall be contractually required to meet such standards.

9 F. The department shall adopt metrics, after
10 consultation with the performance improvement committee, to
11 evaluate the effectiveness of community engagement teams
12 participating in the pilot project and shall require community
13 engagement teams to report such data as are necessary to
14 measure the effectiveness of community engagement teams in
15 reducing involuntary admissions for evaluation or treatment,
16 intervention by law enforcement and detention in correctional
17 facilities.

18 G. The department shall report annually on the
19 community engagement team pilot project to the legislative
20 health and human services committee, the legislative finance
21 committee and the appropriate interim legislative committee
22 that studies courts and corrections.

23 H. From July 1, 2013 through June 30, 2014:

24 (1) the department and the collaborative shall
25 meet and confer with parties interested in participating in the

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1 pilot project;

2 (2) in consultation with the collaborative,
3 the department shall develop standards for community engagement
4 teams;

5 (3) the department shall develop plans and a
6 budget for the implementation of the pilot project; and

7 (4) the department shall select sites for the
8 pilot project.

9 I. Within thirty days of the effective date of the
10 Community Engagement Team Act, the department shall convene a
11 performance improvement committee facilitated by a not-for-
12 profit health care organization that leads the aligning forces
13 for quality initiative in New Mexico to ensure a thorough and
14 unbiased evaluation of the pilot project established under the
15 Community Engagement Team Act.

16 J. The committee shall include a representative
17 from each of the following:

18 (1) the administrative office of the courts;

19 (2) the New Mexico state police division of
20 the department of public safety;

21 (3) the department; and

22 (4) the collaborative.

23 K. The performance improvement committee shall:

24 (1) develop recommended criteria for data
25 collection and pilot project evaluation;

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1 (2) report on its activities and
2 recommendations to the legislative health and human services
3 committee, the legislative finance committee and the
4 appropriate interim legislative committee that studies courts
5 and corrections by October 31, 2014; and

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

9 L. By July 1, 2014, the department shall commence
10 the pilot project.

11 SECTION 9. DELAYED REPEAL.--Effective July 1, 2019, the
12 Community Engagement Team Act is repealed.