

1 SENATE BILL 244

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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10 AN ACT

11 RELATING TO HUMAN SERVICES; ENACTING NEW SECTIONS OF THE PUBLIC
12 ASSISTANCE ACT TO DIRECT THE HUMAN SERVICES DEPARTMENT TO
13 PROVIDE FOR ENHANCED HEALTH PREVENTION AND TREATMENT AND ACCESS
14 TO HEALTH CARE SERVICES; ENACTING A NEW SECTION OF THE NMSA
15 1978 TO REQUIRE THAT PROVIDERS OF SERVICES FUNDED THROUGH THE
16 INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE SCREEN
17 CHILDREN RECEIVING THESE SERVICES FOR ADVERSE CHILDHOOD EVENTS
18 AND REFER THEM TO SERVICES.

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. A new section of the Public Assistance Act is
22 enacted to read:

23 "[NEW MATERIAL] MEDICAL ASSISTANCE--EARLY AND PERIODIC
24 SCREENING, DIAGNOSIS AND TREATMENT--ENHANCED SERVICES.--In
25 accordance with federal law relating to the early and periodic

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1 screening, diagnosis and treatment program, the department
2 shall provide for the treatment of a recipient's medical,
3 behavioral and developmental conditions. The secretary shall
4 establish by rule a medical necessity standard that shall
5 provide for:

- 6 A. treatment of an existing condition;
- 7 B. prevention of the development or worsening of a
8 condition;
- 9 C. improvement of overall health;
- 10 D. assured recipient access to those health care
11 resources that provide for the treatment and prevention of
12 adverse health conditions and for overall health improvement;
13 and
- 14 E. assistance to recipients in effectively using
15 health care resources for optimal health outcomes."

16 SECTION 2. A new section of the Public Assistance Act is
17 enacted to read:

18 "[NEW MATERIAL] MEDICAL ASSISTANCE--PREVENTIVE AND EARLY
19 INTERVENTION SERVICES--BASIS FOR REIMBURSEMENT.--The secretary
20 shall seek any necessary authority under federal law to adopt
21 and promulgate rules under the state medical assistance program
22 to provide for the reimbursement of preventive and early
23 intervention services delivered to children on the basis of
24 need without specifying as a condition of reimbursement that a
25 child be diagnosed as having a serious emotional disturbance."

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1 SECTION 3. A new section of the Public Assistance Act is
2 enacted to read:

3 "[NEW MATERIAL] ADVERSE CHILDHOOD EVENTS SCREENING.--

4 A. The department shall require that any provider
5 of services pursuant to the early and periodic screening,
6 diagnosis and treatment program, as well as any other provider
7 of services to recipients under the age of eighteen years,
8 screen each recipient under the age of eighteen to ascertain
9 whether the recipient has experienced at least two adverse
10 childhood events that the secretary has identified by rule,
11 including:

- 12 (1) emotional abuse or neglect;
- 13 (2) physical abuse or neglect;
- 14 (3) sexual abuse;
- 15 (4) substance abuse in the household;
- 16 (5) mental illness of a household member;
- 17 (6) violence against the recipient's mother or
18 stepmother;
- 19 (7) incarceration of a household member;
- 20 (8) loss of contact with a parent of the
21 recipient;
- 22 (9) homelessness;
- 23 (10) persistent poverty; and
- 24 (11) the experience of being a child parent,
25 or being raised by a child parent, without adequate social

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1 supports.

2 B. Upon a finding that a recipient has experienced
3 at least two adverse childhood events, the department shall
4 refer the recipient for services appropriate to minimize the
5 impact of the adverse childhood events on the recipient's life.

6 C. The department shall require that vendors
7 annually compile the following data and report these data to
8 the department:

9 (1) the number of recipients screened for
10 adverse childhood events;

11 (2) the number of recipients who are found to
12 have experienced at least two adverse childhood events; and

13 (3) the services to which recipients found to
14 have experienced at least two adverse childhood events have
15 been referred.

16 D. By November 1, 2015 and each November 1
17 thereafter, the department shall make a report of the data
18 compiled from vendors to the legislative health and human
19 services committee. The report shall also include the
20 department's analysis of any gaps in services or other
21 recommendations for minimizing the impact of adverse childhood
22 events in recipients' lives.

23 E. The secretary shall establish by rule guidelines
24 for screening, referral and data collection pursuant to this
25 section in collaboration with the children, youth and families

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1 department, the interagency behavioral health purchasing
2 collaborative, the university of New Mexico health sciences
3 center, managed care organizations that administer the
4 provision of health care services in the state pursuant to
5 public programs and stakeholders."

6 SECTION 4. [NEW MATERIAL] ADVERSE CHILDHOOD EVENTS
7 SCREENING.--

8 A. The interagency behavioral health purchasing
9 collaborative shall require that any provider of services to
10 recipients under the age of eighteen years screen each
11 recipient under the age of eighteen years to ascertain whether
12 the recipient has experienced at least two adverse childhood
13 events that the secretary of human services has identified by
14 rule, including:

- 15 (1) emotional abuse or neglect;
- 16 (2) physical abuse or neglect;
- 17 (3) sexual abuse;
- 18 (4) substance abuse in the household;
- 19 (5) mental illness of a household member;
- 20 (6) violence against the recipient's mother or
21 stepmother;
- 22 (7) incarceration of a household member;
- 23 (8) loss of contact with a parent of the
24 recipient;
- 25 (9) homelessness;

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1 (10) persistent poverty; and

2 (11) the experience of being a child parent,
3 or being raised by a child parent, without adequate social
4 supports.

5 B. Upon a finding that a recipient has experienced
6 at least two adverse childhood events, the interagency
7 behavioral health purchasing collaborative shall require that
8 the provider refer the recipient for services appropriate to
9 minimize the impact of the adverse childhood events on the
10 recipient's life.

11 C. By November 1, 2015 and each November 1
12 thereafter, the interagency behavioral health purchasing
13 collaborative shall make a report of the data compiled from
14 vendors to the legislative health and human services committee.
15 The report shall also include the interagency behavioral health
16 purchasing collaborative's analysis of any gaps in services or
17 other recommendations for minimizing the impact of adverse
18 childhood events in recipients' lives.

19 D. The secretary of human services shall establish
20 by rule guidelines for screening, referral and data collection
21 pursuant to this section in collaboration with the children,
22 youth and families department, the university of New Mexico
23 health sciences center, managed care organizations that
24 administer the provision of health care services in the state
25 pursuant to public programs and stakeholders.

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