

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 227

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

AN ACT

RELATING TO TAXATION; IMPOSING AN ANNUAL TAX ON LICENSED
SUBSTANCE ABUSE ASSOCIATES; PROVIDING FOR THE CREATION OF A
SUBSTANCE USE DISORDER RESPONSE PLAN FOR MEDICAL ASSISTANCE
RECIPIENTS; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] SUBSTANCE ABUSE ASSOCIATE TAX--
DISPOSITION.--

A. A tax to be known as the "substance abuse
associate tax" is imposed in the amount of three hundred
dollars (\$300) on every substance abuse associate licensed
pursuant to Section 61-9A-14.1 NMSA 1978. The tax shall be
paid to the regulation and licensing department on or before
July 1 of each year.

B. Proceeds from the substance abuse associate tax
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1 shall be transferred as follows:

2 (1) fifty percent to the substance use
3 disorder response fund; and

4 (2) fifty percent in equal parts to each
5 health care assistance fund.

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

8 "[NEW MATERIAL] SUBSTANCE USE DISORDER RESPONSE PLAN--
9 LICENSED SUBSTANCE ABUSE ASSISTANTS--REPORTING.--

10 A. The secretary, in cooperation with medical
11 assistance contractors, shall devise a substance use disorder
12 response plan that identifies policies for increasing the
13 supply of behavioral health workforce trained in substance use
14 disorder treatment statewide and for funding a robust response
15 statewide to the demand for timely, evidence-based substance
16 use disorder services for medical assistance recipients
17 statewide.

18 B. As part of the substance use disorder response
19 plan, the secretary shall adopt and promulgate rules to allow a
20 substance abuse associate licensed in accordance with the
21 Counseling and Therapy Practice Act to be reimbursed for the
22 following services provided to medical assistance recipients:

23 (1) providing interventions directly to
24 individuals, couples, families and groups;

25 (2) employing practice theory and research

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1 findings;

2 (3) providing screening, assessment,
3 consultation, development of treatment plans, case management,
4 counseling, referral, appraisal, crisis intervention,
5 education, reporting or recordkeeping pertaining specifically
6 to alcohol and drug abuse counseling;

7 (4) providing generalist services in the role
8 of educator, assistant or mediator;

9 (5) taking a social history; and

10 (6) conducting a home study."

11 SECTION 3. Section 27-5-7 NMSA 1978 (being Laws 1965,
12 Chapter 234, Section 7, as amended) is amended to read:

13 "27-5-7. HEALTH CARE ASSISTANCE FUND.--

14 A. There is created in the county treasury of each
15 county a "health care assistance fund".

16 B. Collections under the levy made pursuant to the
17 Indigent Hospital and County Health Care Act, proceeds from the
18 substance abuse associate tax and all payments shall be placed
19 into the fund, and the amount placed in the fund shall be
20 budgeted and expended only for the purposes specified in the
21 Indigent Hospital and County Health Care Act, by warrant upon
22 vouchers approved by the county. Payments for indigent
23 hospitalizations shall not be made from any other county fund.

24 C. The fund shall be audited in the manner that
25 other state and county funds are audited, and all records of

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1 payments and verified statements of qualification upon which
2 payments were made from the fund shall be open to the public.

3 D. Any balance remaining in the fund at the end of
4 the fiscal year shall carry over into the ensuing year, and
5 that balance shall be taken into consideration in the
6 determination of the ensuing year's budget and certification of
7 need for purposes of making a tax levy.

8 E. Money may be transferred to the fund from other
9 sources, but no transfers may be made from the fund for any
10 purpose other than those specified in the Indigent Hospital and
11 County Health Care Act."

12 SECTION 4. [NEW MATERIAL] SUBSTANCE USE DISORDER RESPONSE
13 FUND--CREATION--DISTRIBUTIONS--APPROPRIATION.--The "substance
14 use disorder response fund" is created in the state treasury.
15 The fund shall consist of distributions; appropriations;
16 transfers; gifts; grants; donations; and bequests made to the
17 fund. Money in the fund is appropriated to the human services
18 department to fund the substance use disorder response plan
19 established pursuant to Section 2 of this 2018 act. Money in
20 the fund shall be disbursed on warrants signed by the secretary
21 of finance and administration pursuant to vouchers signed by
22 the secretary of human services or the secretary's authorized
23 representative. Money in the fund shall be invested as
24 provided for other state funds, and income earned on the fund
25 shall be credited to the fund. Any unexpended or unencumbered

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1 balance remaining at the end of a fiscal year shall not revert
2 to the general fund.

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