

HOUSE BILL 43

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Sheryl Williams Stapleton

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO HEALTH; AMENDING AND ENACTING SECTIONS OF THE HUMAN SERVICES DEPARTMENT ACT TO PROVIDE FOR INTERVENTIONS FOR INCARCERATED INDIVIDUALS WHO HAVE BEHAVIORAL HEALTH DIAGNOSES IN WAYS LIKELY TO REDUCE RECIDIVISM, DETENTION AND INCARCERATION HAFC → ~~MAKING AN APPROPRIATION~~ ← HAFC.

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

SECTION 1. Section 9-8-7.1 NMSA 1978 (being Laws 2007, Chapter 325, Section 4) is amended to read:

"9-8-7.1. BEHAVIORAL HEALTH SERVICES DIVISION--POWERS AND

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DUTIES OF THE HUMAN SERVICES DEPARTMENT.--Subject to appropriation, the department shall:

A. contract for behavioral health treatment and support services, including mental health, alcoholism and other substance abuse services;

B. establish standards for the delivery of behavioral health services, including quality management and improvement, performance measures, accessibility and availability of services, utilization management, credentialing and recredentialing, rights and responsibilities of providers, preventive behavioral health services, clinical treatment and evaluation and the documentation and confidentiality of client records;

C. ensure that all behavioral health services, including mental health and substance abuse services, that are provided, contracted for or approved are in compliance with the requirements of Section 9-7-6.4 NMSA 1978;

D. assume responsibility for and implement adult mental health and substance abuse services in the state in coordination with the children, youth and families department;

E. create, implement and continually evaluate the effectiveness of a framework for targeted, individualized interventions for individuals who are incarcerated in a HHHC→state,←HHHC county or municipal correctional facility and adult and juvenile offenders who have behavioral health

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diagnoses, which framework shall address those persons'  
behavioral health needs while they are incarcerated and connect  
them to resources and services immediately upon release SFC→  
that reduce the likelihood of recidivism, detention and  
incarceration, such as supportive housing, public assistance,  
medical assistance, behavioral health treatment and employment  
training←SFC;

[E-] F. establish criteria for determining individual eligibility for behavioral health services; and

[F-] G. maintain a management information system in accordance with standards for reporting clinical and fiscal information."

SECTION 2. A new section of the Human Services Department Act is enacted to read:

"[NEW MATERIAL] INCARCERATED INDIVIDUALS--BEHAVIORAL HEALTH SERVICES--COUNTY FUNDING PROGRAM.--To carry out the provisions of Subsection E of Section 9-8-7.1 NMSA 1978 and to provide behavioral health services to individuals who are incarcerated in a county correctional facility:

A. the secretary shall adopt and promulgate rules:

(1) pursuant to which a county may apply for and be awarded funding through the department; and

(2) to establish priorities and guidelines for the award of funding to counties; and

B. the department shall distribute funds, as

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funding permits, to the county health care assistance funds of those counties:

(1) that apply for behavioral health services funding in accordance with department rules; and

(2) whose proposed utilization of funding pursuant to this section meets the priorities and guidelines for the awarding of behavioral health services funding established in department rules."

HAFC→~~SECTION 3. APPROPRIATION.--One million five hundred thousand dollars (\$1,500,000) is appropriated from the general fund to the human services department for expenditure in fiscal year 2020 to fund awards to counties that apply for behavioral health services funding to serve individuals incarcerated in county facilities in accordance with the provisions of Subsection E of Section 9-8-7.1 NMSA 1978 and Section 2 of this act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2020 shall revert to the general fund.~~←HAFC