

SENATE BILL 182

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Mary Kay Papen and Micaela Lara Cadena and Dayan Hochman-Vigil

This document incorporates amendments that have been adopted during the current legislative session. The document is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO BEHAVIORAL HEALTH; ENACTING THE BEHAVIORAL HEALTH COMMUNITY INTEGRATION ACT; PROVIDING COMMUNITY-BASED SUPPORT SERVICES FOR ADULTS DIAGNOSED WITH SERIOUS MENTAL ILLNESS AND YOUTH DIAGNOSED WITH SERIOUS EMOTIONAL DISTURBANCE; PROVIDING POWERS AND DUTIES; CREATING THE BEHAVIORAL HEALTH COMMUNITY INTEGRATION FUND; DECLARING AN EMERGENCY.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Behavioral Health Community Integration Act".

.216834.1AIC February 10, 2020 (10:33am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the

Behavioral Health Community Integration Act:

A. "comprehensive community-based mental health system" means a system of care that includes mental and physical health services, rehabilitation services, employment services, housing services, educational services, substance abuse services, medical and dental care and other support services with federal, state SFC→, tribal←SFC and local public and private resources to enable persons to function outside of inpatient or residential institutions to the maximum extent of their capabilities, including services provided by local school systems pursuant to the federal Individuals with Disabilities Education Act;

B. "department" means the human services department;

C. "division" means the behavioral health services division of the department;

D. "fund" means the behavioral health community integration fund;

E. "psychosocial rehabilitation services" means a set of services designed to help a person in the target population to achieve optimum functioning in the personal and social dimensions of the person's life;

F. "serious emotional disturbance" means one or more diagnosable behavioral, mental or emotional conditions as

.216834.1AIC February 10, 2020 (10:33am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

defined in the most recent *Diagnostic and Statistical Manual of Mental Disorders*, published by the American psychiatric association, that result in functional impairment that substantially interferes with or limits the role or functioning in family, school or community activities of a youth between the ages of sixteen and twenty-two;

G. "serious mental illness" means one or more diagnosable behavioral, mental or emotional conditions as defined in the most recent *Diagnostic and Statistical Manual of Mental Disorders*, published by the American psychiatric association, which condition substantially interferes with or limits one or more major life activities of an adult;

H. "support services" means a component of a comprehensive community-based mental health system that consists of outcome-focused services tailored to the needs of a person in the target population;

I. "target population" means adults who have been diagnosed with serious mental illness or youths between the ages of sixteen and twenty-two who have been diagnosed within the last year with serious emotional disturbance and includes adults or youths who live in rural areas or are homeless;

J. "targeted case management" means a service that assists a person to gain access to needed medical, social, educational and other services and that ensures that services are coordinated among all providers of such services;

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

K. "transitional housing" means up to eighteen months of housing; SFC→and←SFC

L. "urgent need" means circumstances of sufficient concern that if not addressed within twenty-four hours could reasonably result in hospitalization, detention or incarceration SFC→; and←SFC

SFC→~~M. "value-added service" means a service that is not a medicaid-funded service that a medicaid managed care organization or contractor may offer to a medicaid recipient.~~←SFC SFC→.←SFC

SECTION 3. [NEW MATERIAL] DIVISION DUTIES--COMPREHENSIVE SYSTEM--SUPPORT SERVICES.--

A. The division shall design and implement a comprehensive community-based mental health system in communities throughout the state that provides support services to achieve one or more of the following:

(1) to prevent or reduce the likelihood of relapse following discharge from inpatient care or recidivism following release from detention or incarceration;

(2) to correct, reduce or ameliorate the physical, mental, cognitive or developmental effects of serious mental illness or serious emotional disturbance;

(3) to reduce or ameliorate the pain or suffering caused by serious mental illness or serious emotional disturbance;

.216834.1AIC February 10, 2020 (10:33am)

underscoring material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

(4) to assist the person to achieve or maintain maximum functional capacity in performing the activities of daily living; or

(5) to assist the person with life skills needed to live independently in the community.

B. The division shall provide periodic reports to the legislative health and human services committee as requested.

SECTION 4. [NEW MATERIAL] BEHAVIORAL HEALTH COMMUNITY INTEGRATION FUND CREATED--USES AND ADMINISTRATION OF FUND.--

A. The "behavioral health community integration fund" is created as a nonreverting fund in the state treasury. The fund consists of appropriations, SFC→value-added services payments, ←SFC gifts, grants, donations and any other money deposited in the fund. Money in the fund shall be expended only for the purposes specified in the Behavioral Health Community Integration Act and as limited by the appropriation. Expenditures from the fund shall be by warrant of the secretary of finance and administration on vouchers signed by the division director or the director's authorized representative.

B. Money in the fund shall be used to provide, arrange for or assist with:

- (1) targeted case management;
- (2) transitional and long-term housing for the target population; SFC→and←SFC

.216834.1AIC February 10, 2020 (10:33am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

(3) psychosocial rehabilitation SFC→;←SFC and
SFC→(4) other←SFC support services for the
target population.

C. Money in the fund shall not be used to pay for
goods or services covered by medicaid or to match federal
funding for medicaid.

SECTION 5. [NEW MATERIAL] CONTRACT REQUIREMENTS.--

A. Contracts awarded from the fund shall:

- (1) be for a period of at least four years;
- (2) be awarded to contractors that demonstrate
the ability to achieve outcomes specified by the division;
- (3) give preference to proposals for
communities with the greatest shortage of behavioral health
providers or support services; and
- (4) allow innovative, flexible and creative
uses of local resources other than traditional providers of
behavioral health services.

B. The division may require contractors to
demonstrate in-kind or other support from the local community
where the contracted services will be provided or from
behavioral health providers or support services located
anywhere in the state.

C. The department shall enter into a contract for
procurement after evaluating competitive proposals and shall
not design requests for proposals to provide for only sole

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

source contracts. The department shall conduct its own procurement, but shall conduct all procurement in accordance with the Procurement Code; provided that Section 13-1-98.1 NMSA 1978 shall not apply to procurement pursuant to the Behavioral Health Community Integration Act.

SECTION 6. [NEW MATERIAL] STANDARDS AND PERFORMANCE MEASURES FOR CONTRACTS.--

A. The department shall promulgate standards and performance measures for contracts awarded pursuant to the Behavioral Health Community Integration Act that, at a minimum, require:

(1) identification and tracking of each person served;

(2) acceptance of referrals from all sources for persons in the target population;

(3) an assessment performed and support services plan developed within no more than:

(a) twenty-four hours of referral for persons in crisis;

(b) forty-eight hours prior to a person's discharge from inpatient care or release from detention or incarceration;

(c) five business days before a youth leaves foster care; or

(d) two business days following referral

underscored material = new
[bracketed material] = delete
Amendments: new = bold, blue, highlight
delete = bold, red, highlight, strikethrough

for all other persons served;

(4) the assignment of a community support worker to be responsible for assisting in the assessment of the person and in the development of the support services plan;

(5) the initiation of support services within one calendar day of the assessment for persons with urgent needs and within five calendar days for persons with non-urgent needs;

(6) immediate access to crisis stabilization services, with twenty-four-hour telephone response and next calendar day appointments; and

(7) continuing support for persons served.

B. Contractors shall be certified by medicaid.

C. Contractors shall be required to report outcomes as determined by the department.

SFC→~~SECTION 7. [NEW MATERIAL] VALUE-ADDED SERVICES~~

~~PAYMENT.--The department shall require a medicaid managed care organization or medicaid fee-for-service contractor to pay three percent of the annual amount spent by the organization or contractor for value-added behavioral health services into the fund in quarterly installments.~~←SFC

SECTION SFC→8.←SFC SFC→7.←SFC EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.