

SENATE JOINT MEMORIAL 5

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

INTRODUCED BY

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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.

A JOINT MEMORIAL

REQUESTING THE INTERAGENCY BEHAVIORAL HEALTH PURCHASING COLLABORATIVE TO CONVENE A WORK GROUP TO STUDY WORKPLACE VIOLENCE AGAINST HEALTH CARE WORKERS AND PENALTIES AND TREATMENT-FOCUSED OPTIONS TO ADDRESS THAT VIOLENCE.

WHEREAS, according to the federal occupational safety and health administration, health care workers are at increased risk for harm from workplace violence, with incidence of serious workplace violence four times higher in health care settings than in other industries; and

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WHEREAS, in 2006, the legislature made certain forms of assault and battery against health care workers felony offenses; and

WHEREAS, advocates for individuals with intellectual and developmental disabilities or mental illness have raised concerns about the impact of the penalties on this population; and

WHEREAS, individuals with intellectual and developmental disabilities or mental illness charged with this offense can face extended periods of incarceration before trial when the issue of determining competency is raised and, if convicted, more time behind bars; and

WHEREAS, while incarcerated, individuals with intellectual and developmental disabilities or mental illness have limited treatment options; and

WHEREAS, a felony record is an impediment to future employment and other opportunities;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the interagency behavioral health purchasing collaborative be requested to convene a work group to study issues pertaining to violence against health care workers in the workplace, including:

- A. the incidence of violence against health care workers in the workplace;
- B. the effectiveness of state laws penalizing

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battery against health care workers in deterring workplace violence against health care workers;

C. data on the extent to which individuals with intellectual and developmental disabilities or mental illness have been charged pursuant to this law; and

D. options for treatment-focused alternatives to the current statute for protection of health care workers from workplace violence; and

BE IT FURTHER RESOLVED that the work group be composed of representatives from New Mexico counties; the New Mexico municipal league; the department of health; the human services department; the aging and long-term services department; the children, youth and families department; the training and recruiting division of the department of public safety; the corrections department; the administrative office of the courts; the public defender department; the administrative office of the district attorneys; the Bernalillo county forensic intervention consortium; the New Mexico hospital association; the New Mexico nurses association; SPAC→the New Mexico academy of physician assistants;←SPAC the New Mexico medical society; disability rights New Mexico; the national alliance on mental illness New Mexico; and the department of psychiatry and behavioral sciences at the university of New Mexico health sciences center; and

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~~group be open to the public, subject to the same notice provisions and exceptions provided in the Open Meetings Act; and~~ ←SRG ←SPAC

SPAC → BE IT FURTHER RESOLVED that meetings of the work group be open and inclusive to the extent practicable; and ←SPAC

BE IT FURTHER RESOLVED that the interagency behavioral health purchasing collaborative be requested to report its findings and any recommendations for legislative action to the appropriate interim legislative committee by November 1, 2020; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the chair and co-chair of the interagency behavioral health purchasing collaborative and the co-chairs of the New Mexico legislative council.