

LFC Requester:	Rachel Mercer-Garcia
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 1/18/24
Bill No: SB83

Sponsor: Sen. Diamond-Brantley
Short Title: CYFD Plan of Care Assessments

Agency Name and Code HSD-630
Number: _____
Person Writing Alicia Salazar
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0	\$0	\$0	\$0	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

This is an act that amends the Voluntary Placement and Family Services Act to address a situation where family or other caretakers of a child released from a hospital or freestanding birthing center under a Plan of Care fail to comply with that plan. Makes mandatory rather than discretionary the requirement that the Children, Youth and Families Department (CYFD) conduct a family assessment and provide certain services and eliminates the right of the caretakers to accept or decline those services.

FISCAL IMPLICATIONS

HCA/MAD Staffing impact: Initiating a mandatory compliance with the Plan of Care would increase the number of members engaged in Care Coordination through a mandatory requirement enforced by CYFD. HCA/MAD would add an additional 20 FTE/range 70 hours per quarter to provide MCO CARA specific program oversight, including monitoring, validation and reporting on the MCOs contractual compliance with CARA activities.

SIGNIFICANT ISSUES

The family assessment would provide ample insight into the care of the child and family which can provide alternatives for treatment and care. However, if the family refuses counseling and other services, and an investigation is implemented, HB121 does not speak to what interventions would occur.

A 2019 study conducted by Dr. Esme Fuller-Thomson and published in the Journal of Interpersonal Violence found that child maltreatment strongly correlates with 3 factors: Caregiver mental illness, domestic violence, and caregiver addiction.

<https://www.healio.com/news/psychiatry/20190614/parental-mental-illness-addiction-domestic-violence-tied-to-childhood-abuse>

The provision of behavioral health and substance use services and support to caregivers and children in families where child maltreatment is occurring could mitigate the root causes of maltreatment.

Expanding the definition of “referrals” to include “behavioral health and substance use services and supports” could include Certified Family Peer Support Workers. This certification is managed by CYFD Behavioral Health Services. The Certified Family Support Worker (CFPSW)

supports parents and other primary caregivers to ensure their voice is heard and their natural support systems are strengthened. Through working with the CFPSW, caregivers increase their skills and confidence to effectively attain their goals and empower their families to navigate child-serving systems with more independence. <https://nmcbbhp.org/certified-family-peer-support-worker-cfpsw/>

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

CYFD referring a child's parents, relatives, guardians or caretakers to peer support services could increase access to care and expand the peer support workforce in New Mexico which may have an administrative implication for HCA/BHSD Office Of Peer Recovery and Engagement.

No IT impact.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

This is a companion bill to HB121 CYFD Plan of Care Investigations which also amends the Voluntary Placement and Family Services Act to address a situation where family or other caretakers of a child released from a hospital or freestanding birthing center under a Plan of Care fail to comply with that plan. Makes mandatory rather than discretionary the requirement that the Children, Youth and Families Department (CYFD) conduct a family assessment and provide certain services.

TECHNICAL ISSUES

HCA and CYFD are moving towards replacing "plans of care" "service plans" to "treatment plans" in provider guidance and documentation. Creating a universal term assists with communication between state agencies and the consumers served. The use of "treatment plans" as a universal term to describe a written comprehensive plan that is based on an assessment of the medical, psychological, social, behavioral, and developmental aspects of a child's situation.

Section 1A. does not define "counseling". HCA/BHSD suggest adding under Section 1A. the department shall offer or provide referrals for "behavioral health or substance use services or supports". This expanded definition could be inclusive of Certified Family Support Specialist or Certified Peer Support Worker which could help assist the family with navigating the child serving system. Certified Peer Support workers could assist the child's parents, relatives, guardians or caretakers successfully engaged in long-term recovery with mental health and/or substance use conditions and maintaining their mental wellness to help others in their recovery process. <https://nmcbbhp.org/certified-peer-support-worker-cpsw/>. Expanding the definition of counseling could assist with addressing the underlying causation factors that may jeopardize the safety or well-being of the child.

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

None