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SENATE BILL 254

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

TIMOTHY Z. JENNINGS

AN ACT

RELATING TO HEALTH; PROVIDING FOR DEVELOPMENT AND
IMPLEMENTATION OF A PLAN FOR THE GROWTH OF INTERMEDIATE CARE
FACILITIES FOR THE MENTALLY RETARDED; DECLARING AN EMERGENCY.

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

Section 1. INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
RETARDED- - LICENSURE MORATORIUM - -

A. The department of health shall not issue a
license to any new intermediate care facility for the mentally
retarded, and the department shall not issue a license for an
increase beyond the intermediate care bed capacity for the
mentally retarded that existed on January 1, 1998. No
intermediate care facility shall apply for a license except as
provided in Subsection B of this section.

B. Except as provided in Subsection C of this

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1 section for transfers, the department may accept applications
2 for and issue licenses to currently licensed intermediate care
3 facilities for the mentally retarded on and after the earliest
4 of the following dates:

5 (1) July 1, 1999, provided that the secretary
6 of human services certifies to the secretary of health that
7 the human services department and the department of health
8 have approved and presented to the first session of the forty-
9 fourth legislature a plan to control the growth of
10 intermediate care facilities for the mentally retarded and to
11 establish the future role of intermediate care facilities for
12 the mentally retarded in the developmental disabilities
13 service system; or

14 (2) the date the secretary of health
15 certifies to the department of finance and administration that
16 an emergency exists that threatens the health and safety of
17 persons with developmental disabilities, but licenses issued
18 pursuant to this paragraph shall exceed the total statewide
19 bed capacity in intermediate care facilities for the mentally
20 retarded that existed on January 1, 1998.

21 C. Upon application, the department shall license
22 no more than eighty beds beyond the total of licensed and
23 operating intermediate care facilities for the mentally
24 retarded as of January 1, 1998 to currently licensed
25 intermediate care facilities for the mentally retarded for the

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1 purposes of this subsection, provided that:

2 (1) the facilities are licensed to provide
3 sufficient beds and care for no more than four mentally
4 retarded persons per residence;

5 (2) the facilities include fiscal,
6 geographic, service and access criteria pursuant to rules
7 adopted by the department of health necessary to provide for
8 the needs of persons in need of those facilities;

9 (3) the facilities are in accordance with the
10 freedom of choice provisions of Title 19 of the Social
11 Security Act;

12 (4) the facilities are located no closer than
13 one hundred fifty feet from an existing intermediate care
14 facility for the mentally retarded, home for persons with
15 development disabilities or a nursing home; and

16 (5) eight of the eighty beds shall be exempt
17 from the provisions of Paragraphs (1) through (4) of this
18 subsection and are transferred to the Las Vegas medical center
19 by the department of health for the purposes of programs for
20 persons with development disabilities.

21 D. As used in this section, "intermediate care
22 facility for the mentally retarded" means any intermediate
23 care facility eligible for certification as an intermediate
24 care facility for the mentally retarded.

25 Section 2. DELAYED REPEAL. --Section 1 of this act is

. 122276. 1

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1 repealed on July 1, 1999.

2 Section 3. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect
4 immediately.

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 4, 1998
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8 Mr. President:
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10 Your COMMITTEES' COMMITTEE, to whom has been referred
11

12 SENATE BILL 254
13

14 has had it under consideration and finds same to be GERMANE, in
15 accordance with constitutional provisions, and thence referred to the
16 FINANCE COMMITTEE.
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19 Respectfully submitted,
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25 _____
Manny M. Aragon, Chairman

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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

S0254CC1

1 FORTY-THIRD LEGISLATURE

SB 254/a

2 SECOND SESSION, 1998

6 February 5, 1998

8 Mr. President:

10 Your FINANCE COMMITTEE, to whom has been referred

12 SENATE BILL 254, as amended

14 has had it under consideration and reports same with recommendation
15 that it DO PASS, amended as follows:

- 17 1. On page 2, line 2, strike "currently licensed".
- 18 2. On page 2, line 18, after "shall" insert "not".
- 19 3. On page 3, line 20, strike "development" and insert in
20 lieu thereof "developmental".
- 21 4. On page 4, line 1, strike "1999" and insert in lieu
22 thereof "2000".

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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SFC/SB 254/a

Page 8

Respectfully submitted,

Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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SFC/SB 254/a

Page 9

Yes: 6

No: Altamirano

Excused: Aragon, Campos, Carraro, Eisenstadt

Absent: None

S0254FC1

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
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6 February 17, 1998
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8 Mr. Speaker:
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10 Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to whom
11 has been referred
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13 SENATE BILL 254
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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 APPROPRIATIONS AND FINANCE COMMITTEE.

18 Respectfully submitted,
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22 _____
23 Gary K. King, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 11

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

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7 Date _____

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9 The roll call vote was 7 For 0 Against

10 Yes: 7

11 Excused: Crook, Heaton, Sandel

12 Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

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4 February 18, 1998

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom has
10 been referred

11 SENATE BILL 254, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

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21 Max Coll, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 13

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

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7 Date _____

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9 The roll call vote was 17 For 0 Against

10 Yes: 17

11 Excused: Wallace

12 Absent: None

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