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SENATE BILL 361

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO DEVELOPMENTAL DISABILITIES; LIMITING DUPLICATION OF SERVICES; AMENDING A SECTION OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. Section 28-16A-13 NMSA 1978 (being Laws 1993, Chapter 50, Section 13) is amended to read:

"28-16A-13. [~~AUTHORIZATION FOR PROVIDING COMMUNITY-BASED~~] SUPPORT AND SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES- - AUTHORIZATION- - LIMITATION OF DUPLICATION. - -

A. Subject to the availability of appropriations provided expressly for this purpose, the department may:

- (1) acquire, provide or coordinate support and services for persons with developmental disabilities;
- (2) enter into contracts and provider

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1 agreements with agencies and individuals capable of providing
2 support and services to persons with developmental
3 disabilities that promote the objectives of the department's
4 state plan, prepared pursuant to Section [~~5 of the~~
5 ~~Developmental Disabilities Act~~] 28-16A-5 NMSA 1978; and

6 (3) establish advisory councils and task
7 forces as necessary to guide the development and review of
8 support and services to persons with developmental
9 disabilities.

10 B. Support and services shall be provided based on
11 individual support and service plans developed by an
12 interdisciplinary team. The team is responsible for
13 collectively evaluating the child's or adult's needs and
14 developing an individual support and service plan to meet the
15 needs.

16 C. The department shall:

17 (1) solicit the involvement of consumers,
18 providers, parents, professional organizations and other
19 governmental organizations prior to the adoption or revision
20 of any policies or regulations concerning the provision of
21 support, services, standards or funding systems. Participants
22 shall be selected in a manner that reflects geographical,
23 cultural, organizational and professional representation
24 across the state;

25 (2) develop policies, procedures, rules and

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1 regulations that, to the extent possible, will promote
2 uniformity in reimbursement and quality assurance systems
3 regardless of the source of funding; [and]

4 (3) convene and maintain a family infant
5 toddler interagency coordinating council and a statewide adult
6 support and services task force that shall, at a minimum,
7 address quality assurance; and

8 (4) ensure that continuous support and
9 services are provided in rural communities by:

10 (a) limiting the service providers that
11 receive state funding in any class B county by prohibiting
12 duplication of services unless department statistics clearly
13 demonstrate the need for multiple providers that will provide
14 the same or similar services in the county; and

15 (b) before a new provider can be
16 approved for funding in any class B county to provide services
17 the same or similar to those available from an existing
18 provider, holding a public hearing in the county to determine
19 the need and the potential client base in the community for an
20 additional provider and to identify the potential harm to the
21 existing provider's client base and to its ability to provide
22 support and services. "

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

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6 March 10, 1999
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8 Mr. President:

9
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred
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14 has had it under consideration and reports same WITHOUT
15

16 RECOMMENDATION, amended as follows:
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18 1. On page 3, line 14, strike "and".
19

20 2. On page 3, line 15, strike "a new provider" and insert in
21 lieu thereof "additional providers".
22

23 3. On page 3. lines 19 through 22, strike "and the potential
24 client base in the community for an additional provider and to
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identify the potential harm to the existing provider's client base and to its ability to provide support and services." and insert in lieu thereof "for additional providers; and".

4. On page 3, between lines 22 and 23, insert the following:

"(c) providing no state funding unless the governing board of the provider is constituted of members living in the community in which the provider is located."".

and thence referred to the FINANCE COMMI TTEE.

Respectfully submit ted,

Shannon Robi nson, Chai rman

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Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Feldman, Ingle, Stockard, Smith

Absent: None

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