

House Bill 8

House Bill 8 created multiple places within the competency process for a person to be civilly committed. The bill created places for both AOT referrals and inpatient commitments. On the inpatient commitments there has been an increase, which was the main point of the bill.

Impact to NMBHI

NMBHI has seen an increase in civil commitment referrals. In 2024 NMBHI had 97 referrals. In 2025 NMBHI increased to 138 referrals. In the first half of 2026 NMBHI received 90 referrals – on pace for 180 this year. This increase in demand has impacted the system of care.

NMBHI had a waiting list of people to admit and opened a 12-bed cottage. After it was opened the wait went from 16 people down to 2. Then almost immediately went back to 16.

Referrals

The referrals come from a variety of sources. A significant number come from correctional facilities. People are not competent and do not reach the level for inpatient competency restoration treatment. Inpatient treatment needs to be a felony and dangerous. Prior to House Bill 8 charges were dropped and people were released. Now they are referred to NMBHI. A better outcome for the human. The types of referrals to NMBHI have changed as well. Historically, mostly psychosis and bipolar disorder. Now people with developmental delays/intellectual disabilities, dementia, injuries, or other diagnoses that do fit the historical range that led to civil commitments.

Census Impact

Year	2022	2023	2024	2025	2026
Average Daily Census	49	61	66	76	88

Discharge Challenges

In shifting the type of referral what was changed was the ability to treat and discharge. Schizophrenia and Bipolar Disorder respond very well to medications, stable living environments, and mental health treatment. They can then be discharged. The referrals today do not respond in the same manner to medications and treatment. Therefore, the length of stay has increased. Four years ago, approximately 50 days to discharge, currently approximately 250 days to discharge.

DOH has worked toward making improvements. 18 patients discharged to Meadows nursing home. 4 to Los Lunas Community Program with 2 more scheduled. Regular meetings with other community partners to try to help. Recently, working with Assisted Outpatient Treatment across the state.

Positive Impacts and Room for Improvement

The passage of House Bill 8 did increase the number of civil commitments referred to NMBHI. This was one of the main points. The Department of Health responded by increasing capacity and is currently working on a seclusion room in a second cottage to increase by 14 more beds, putting this division of NMBHI at 102 beds. As many states have discovered, it is not possible to “build our way out” of this. We need to develop the entire system of care. Step-downs from the state hospital are vitally important to make sure the process is working.

Emergency rooms to acute psych hospitals to state hospitals to the community. If this gets clogged it rolls back to emergency departments and impacts access to care across the system.