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SENATE BILL 883

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO STATE HEALTH INSTITUTIONS; CHANGING THE NAME OF THE
NEW MEXICO STATE HOSPITAL TO THE NEW MEXICO BEHAVIORAL HEALTH
INSTITUTE AT LAS VEGAS.

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

Section 1. Section 6-13-2 NMSA 1978 (being Laws 1949,
Chapter 121, Section 1) is amended to read:

"6-13-2. STATE INSTITUTIONS. -- [~~That~~] The state
institutions, within the meaning of [~~this Act~~] Chapter 6,
Article 13 NMSA 1978, are the university of New Mexico [~~at~~
~~Albuquerque, New Mexico~~], the New Mexico [~~college of~~
~~Agriculture and Mechanic Arts near Las Cruces, New Mexico~~]
state university, the New Mexico [~~School of Mines at Socorro,~~
~~New Mexico~~] institute of mining and technology, the New Mexico
military institute [~~at Roswell, New Mexico~~], the New Mexico

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1 ~~[Normal]~~ highlands university ~~[at Las Vegas, New Mexico; The~~
2 ~~New Mexico Normal School at Silver City, New Mexico; the~~
3 ~~Spanish American School at El Rito, New Mexico]~~, the western
4 New Mexico university, the northern New Mexico state school,
5 the New Mexico school for the deaf [at Santa Fe, New Mexico],
6 the New Mexico institute for the [Blind at Alamogordo, New
7 ~~Mexico]~~ blind and visually impaired, the eastern New Mexico
8 ~~[Normal School at Portales, New Mexico]~~ university, the [New
9 ~~Mexico Home and Training School for Mental Defectives, at Los~~
10 ~~Lunas, New Mexico]~~ Los Lunas medical center, the [New Mexico]
11 penitentiary [at Santa Fe, New Mexico] of New Mexico, the [New
12 ~~Mexico Insane Asylum at Las Vegas, New Mexico; the New Mexico~~
13 ~~Reform School at Springer]~~ New Mexico behavioral health
14 institute at Las Vegas, the New Mexico boys' school and the
15 miners' hospital [of New Mexico at Raton, New Mexico]. "

16 Section 2. Section 19-1-17 NMSA 1978 (being Laws 1917,
17 Chapter 115, Section 1) is amended to read:

18 "19-1-17. PERMANENT, INCOME AND CURRENT FUNDS-- CREATING
19 DEPOSITS. --

20 A. The following funds are ~~[hereby]~~ created.

21 B. To the credit of ~~[which]~~ these funds, in the
22 respective proportions to which they are by law entitled, all
23 ~~[moneys]~~ money derived from state lands shall be deposited by
24 the commissioner ~~[of Public Lands]~~ with the state treasurer, as
25 nearly as possible, on the first day of each calendar month

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1 [and]. The commissioner shall keep an accurate record of all
2 such deposits. The funds are:

3 (1) common school current fund;

4 (2) common school permanent fund;

5 (3) university income fund;

6 (4) university permanent fund;

7 (5) university saline income fund;

8 ~~[Agricultural College Income Fund.~~

9 ~~Agricultural College Permanent Fund.~~

10 ~~Normal School, Silver City, Income Fund.~~

11 ~~Normal School, Silver City, Permanent Fund.~~

12 ~~Normal School, Las Vegas, Income Fund.~~

13 ~~Normal School, Las Vegas, Permanent Fund.~~

14 ~~Spanish American School, El Rito, Income Fund.~~

15 ~~Spanish American School, El Rito, Permanent Fund.~~

16 ~~Normal School, Eastern, Income Fund.~~

17 ~~Normal School, Eastern, Permanent Fund.~~

18 ~~Being the school to be established under Section 12, of Article~~

19 ~~XII of the Constitution.~~

20 ~~School of Mines, Income Fund.~~

21 ~~School of Mines, Permanent Fund.~~

22 ~~Military Institute, Income Fund.~~

23 ~~Military Institute, Permanent Fund.~~

24 ~~Reform School, Income Fund.~~

25 ~~Reform School Permanent Fund.~~

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1 ~~Miners' Hospital, Income Fund.~~

2 ~~Miners' Hospital, Permanent Fund.~~

3 ~~Insane Asylum, Income Fund.~~

4 ~~Insane Asylum, Permanent Fund.~~

5 ~~Penitentiary, Income Fund.~~

6 ~~Penitentiary, Permanent Fund.~~

7 ~~State Charitable, Penal and Reformatory Institutions,~~
8 ~~Income Fund.~~

9 ~~State Charitable, Penal and Reformatory Institutions,~~
10 ~~Permanent Fund.~~

11 ~~To be equally distributed among the institutions as defined in~~
12 ~~Section 1 of Article XIV of the Constitution.~~

13 ~~Blind Asylum, Income Fund~~

14 ~~Blind Asylum, Permanent Fund.~~

15 ~~Deaf and Dumb Asylum, Income Fund.~~

16 ~~Deaf and Dumb Asylum, Permanent Fund.]~~

17 (6) New Mexico state university income fund;

18 (7) New Mexico state university permanent

19 fund;

20 (8) western New Mexico university income fund;

21 (9) western New Mexico university permanent

22 fund;

23 (10) New Mexico highlands university income

24 fund;

25 (11) New Mexico highlands university permanent

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- 1 fund;
2 (12) northern New Mexico state school income
3 fund;
4 (13) northern New Mexico state school
5 permanent fund;
6 (14) eastern New Mexico university income
7 fund;
8 (15) eastern New Mexico university permanent
9 fund;
10 (16) New Mexico institute of mining and
11 technology income fund;
12 (17) New Mexico institute of mining and
13 technology permanent fund;
14 (18) New Mexico military institute income
15 fund;
16 (19) New Mexico military institute permanent
17 fund;
18 (20) New Mexico boys' school income fund;
19 (21) New Mexico boys' school permanent fund;
20 (22) miners' hospital income fund;
21 (23) miners' hospital permanent fund;
22 (24) New Mexico behavioral health institute at
23 Las Vegas income fund;
24 (25) New Mexico behavioral health institute at
25 Las Vegas permanent fund;

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- 1 (26) penitentiary income fund;
2 (27) penitentiary permanent fund;
3 (28) state charitable, penal and reformatory
4 institutions income fund;
5 (29) state charitable, penal and reformatory
6 institutions permanent fund;
7 to be equally distributed among the institutions as defined in
8 Article 14, Section 1 of the constitution of New Mexico;
9 (30) New Mexico school for the blind and
10 visually impaired income fund;
11 (31) New Mexico school for the blind and
12 visually impaired permanent fund;
13 (32) New Mexico school for the deaf income
14 fund;
15 (33) New Mexico school for the deaf permanent
16 fund;
17 (34) permanent reservoirs for irrigation
18 purposes income fund;
19 (35) permanent reservoirs for irrigation
20 purposes permanent fund;
21 (36) improvement of Rio Grande income fund;
22 (37) improvement of Rio Grande permanent fund;
23 (38) public buildings at capital income fund;
24 (39) public buildings at capital permanent
25 fund;

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1 (40) Santa Fe and Grant county railroad bond
2 fund, to be applied as provided by Article 9, Section 4 [~~of~~
3 ~~Article IX~~] of the constitution of New Mexico; and

4 (41) state lands maintenance fund. "

5 Section 3. Section 22-1-2 NMSA 1978 (being Laws 2003,
6 Chapter 153, Section 3, as amended) is amended to read:

7 "22-1-2. DEFINITIONS. --As used in the Public School Code:

8 A. "adequate yearly progress" means the measure
9 adopted by the department based on federal requirements to
10 assess the progress that a student, a public school or school
11 district or the state makes toward improving student
12 achievement;

13 B. "commission" means the public education
14 commi ssi on;

15 C. "department" means the public education
16 department;

17 D. "forty-day report" means the report of qualified
18 student membership of each school district and of those
19 eligible to be qualified students but enrolled in a private
20 school or a home school for the first forty days of school;

21 E. "home school" means the operation by the parent
22 of a school-age person of a home study program of instruction
23 that provides a basic academic educational program, including
24 reading, language arts, mathematics, social studies and
25 science;

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1 F. "instructional support provider" means a person
2 who is employed to support the instructional program of a
3 school district, including educational assistant, school
4 counselor, social worker, school nurse, speech-language
5 pathologist, psychologist, physical therapist, occupational
6 therapist, recreational therapist, interpreter for the deaf and
7 diagnostician;

8 G. "licensed school employee" means teachers,
9 school administrators and instructional support providers;

10 H. "local school board" means the policy-setting
11 body of a school district;

12 I. "local superintendent" means the chief executive
13 officer of a school district;

14 J. "parent" includes a guardian or other person
15 having custody and control of a school-age person;

16 K. "private school" means a school, other than a
17 home school, that offers on-site programs of instruction and
18 that is not under the control, supervision or management of a
19 local school board;

20 L. "public school" means that part of a school
21 district that is a single attendance center in which
22 instruction is offered by one or more teachers and is
23 discernible as a building or group of buildings generally
24 recognized as either an elementary, middle, junior high or high
25 school or any combination of those and includes a charter

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1 school ;

2 M "school" means a supervised program of
3 instruction designed to educate a student in a particular
4 place, manner and subject area;

5 N. "school administrator" means a person licensed
6 to administer in a school district and includes school
7 principals and central district administrators;

8 O. "school-age person" means a person who is at
9 least five years of age prior to 12:01 a.m. on September 1 of
10 the school year and who has not received a high school diploma
11 or its equivalent. A maximum age of twenty-one shall be used
12 for a person who is classified as special education membership
13 as defined in Section 22-8-2 NMSA 1978 or as a resident of a
14 state institution;

15 P. "school building" means a public school, an
16 administration building and related school structures or
17 facilities, including teacher housing, that is owned, acquired
18 or constructed by the school district as necessary to carry out
19 the functions of the school district;

20 Q. "school bus private owner" means a person, other
21 than a school district, the department, the state or any other
22 political subdivision of the state, that owns a school bus;

23 R. "school district" means an area of land
24 established as a political subdivision of the state for the
25 administration of public schools and segregated geographically

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1 for taxation and bonding purposes;

2 S. "school employee" includes licensed and
3 nonlicensed employees of a school district;

4 T. "school principal" means the chief instructional
5 leader and administrative head of a public school;

6 U. "school year" means the total number of contract
7 days offered by public schools in a school district during a
8 period of twelve consecutive months;

9 V. "secretary" means the secretary of public
10 education;

11 W. "state agency" or "state institution" means the
12 New Mexico military institute, New Mexico school for the
13 [~~visually handicapped~~] blind and visually impaired, New Mexico
14 school for the deaf, New Mexico boys' school, New Mexico girls'
15 [~~welfare home~~] school, New Mexico youth diagnostic and
16 development center, Sequoyah adolescent treatment center,
17 Carrie Tingley crippled children's hospital, [~~Las Vegas medical~~
18 ~~center~~] New Mexico behavioral health institute at Las Vegas and
19 any other state agency responsible for educating resident
20 children;

21 X. "state educational institution" means an
22 institution enumerated in Article 12, Section 11 of the
23 constitution of New Mexico;

24 Y. "substitute teacher" means a person who holds a
25 certificate to substitute for a teacher in the classroom;

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1 Z. "teacher" means a person who holds a level one,
2 two or three-A license and whose primary duty is classroom
3 instruction or the supervision, below the school principal
4 level, of an instructional program;

5 AA. "certified school instructor" means a teacher
6 or instructional support provider; and

7 BB. "certified school employee" or "certified
8 school personnel" means a licensed school employee. "

9 Section 4. Section 23-1-12 NMSA 1978 (being Laws 1977,
10 Chapter 253, Section 42) is amended to read:

11 "23-1-12. TRANSFER OF EXISTING INSTITUTIONS. --

12 A. All property, appropriations and cash balances
13 now held in the name of the following institutional facilities,
14 or by any state agency for the indicated facilities, the use of
15 which is not limited by the terms of any trust or
16 constitutional provision, are transferred to the [~~health and~~
17 ~~environment~~] department of health:

18 (1) [~~Las Vegas medical center~~] New Mexico
19 behavioral health institute at Las Vegas;

20 (2) Los Lunas medical center;

21 (3) Fort Bayard medical center veterans' unit;

22 (4) Villa Solano;

23 (5) Fort Stanton hospital;

24 (6) Turquoise lodge; and

25 (7) Pecos lodge.

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1 B. The secretary of health [~~and environment~~] may
2 delegate the authority for the supervision and operation of any
3 of the institutional facilities transferred under Subsection A
4 of this section to any of the organizational units within the
5 [~~health and environment~~] department of health. "

6 Section 5. Section 23-1-13 NMSA 1978 (being Laws 1970,
7 Chapter 45, Section 1) is amended to read:

8 "23-1-13. NEW MEDICAL CENTER NAMES. --

9 A. Henceforth, the New Mexico state hospital at Las
10 Vegas and the meadows home for the aged will be known as the
11 [~~"Las Vegas medical center"~~] "New Mexico behavioral health
12 institute at Las Vegas". This center may offer general
13 hospital care, extended care, intermediate care, skilled
14 nursing services and out-patient care, as well as services now
15 required by statute.

16 B. Henceforth, the Los Lunas hospital and training
17 school at Los Lunas will be known as the "Los Lunas medical
18 center". This center may offer general hospital care, extended
19 care, skilled nursing services and out-patient care, as well as
20 services now required by statute.

21 C. Henceforth, the Fort Bayard hospital will be
22 known as the "Fort Bayard medical center". This center may
23 offer general hospital care, extended care, skilled nursing
24 services and out-patient care, as well as services now required
25 by statute. "

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1 Section 6. Section 23-5-1 NMSA 1978 (being Laws 1959,
2 Chapter 360, Section 1) is amended to read:

3 "23-5-1. OBJECT. --The object of the [~~New Mexico state~~
4 ~~hospital~~] New Mexico behavioral health institute at Las Vegas
5 is the observation, diagnosis, treatment, care and maintenance
6 of the mentally ill."

7 Section 7. Section 30-9-10 NMSA 1978 (being Laws 1975,
8 Chapter 109, Section 1, as amended) is amended to read:

9 "30-9-10. DEFINITIONS. --As used in Sections 30-9-10
10 through 30-9-16 NMSA 1978:

11 A. "force or coercion" means:

12 (1) the use of physical force or physical
13 violence;

14 (2) the use of threats to use physical
15 violence or physical force against the victim or another when
16 the victim believes that there is a present ability to execute
17 the threats;

18 (3) the use of threats, including threats of
19 physical punishment, kidnapping, extortion or retaliation
20 directed against the victim or another when the victim believes
21 that there is an ability to execute the threats;

22 (4) the perpetration of criminal sexual
23 penetration or criminal sexual contact when the perpetrator
24 knows or has reason to know that the victim is unconscious,
25 asleep or otherwise physically helpless or suffers from a

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1 mental condition that renders the victim incapable of
2 understanding the nature or consequences of the act; or

3 (5) the perpetration of criminal sexual
4 penetration or criminal sexual contact by a psychotherapist on
5 his patient, with or without the patient's consent, during the
6 course of psychotherapy or within a period of one year
7 following the termination of psychotherapy.

8 Physical or verbal resistance of the victim is not an
9 element of force or coercion;

10 B. "great mental anguish" means psychological or
11 emotional damage that requires psychiatric or psychological
12 treatment or care, either on an inpatient or outpatient basis,
13 and is characterized by extreme behavioral change or severe
14 physical symptoms;

15 C. "patient" means a person who seeks or obtains
16 psychotherapy;

17 D. "personal injury" means bodily injury to a
18 lesser degree than great bodily harm and includes, but is not
19 limited to, disfigurement, mental anguish, chronic or recurrent
20 pain, pregnancy or disease or injury to a sexual or
21 reproductive organ;

22 E. "position of authority" means that position
23 occupied by a parent, relative, household member, teacher,
24 employer or other person who, by reason of that position, is
25 able to exercise undue influence over a child;

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1 F. "psychotherapist" means a person who is or
2 purports to be a:
3 (1) licensed physician who practices
4 psychotherapy;
5 (2) licensed psychologist;
6 (3) licensed social worker;
7 (4) licensed nurse;
8 (5) counselor;
9 (6) substance abuse counselor;
10 (7) psychiatric technician;
11 (8) mental health worker;
12 (9) marriage and family therapist;
13 (10) hypnotherapist; or
14 (11) minister, priest, rabbi or other similar
15 functionary of a religious organization acting in his role as a
16 pastoral counselor;

17 G. "psychotherapy" means professional treatment or
18 assessment of a mental or an emotional illness, symptom or
19 condition;

20 H. "school" means any public or private school,
21 including the New Mexico military institute, the New Mexico
22 school for the blind and visually [~~handi-capped~~] impaired, the
23 New Mexico school for the deaf, the New Mexico boys' school,
24 the New Mexico youth diagnostic and development center, the Los
25 Lunas medical center, the Fort Stanton hospital, the [~~Las Vegas~~

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1 ~~medical center]~~ New Mexico behavioral health institute at Las
2 Vegas and the Carrie Tingley crippled children's hospital, that
3 offers a program of instruction designed to educate a person in
4 a particular place, manner and subject area. "School" does not
5 include a college or university; and

6 I. "spouse" means a legal husband or wife, unless
7 the couple is living apart or either husband or wife has filed
8 for separate maintenance or divorce. "

9 Section 8. Section 31-14-6 NMSA 1978 (being Laws 1929,
10 Chapter 69, Section 6) is amended to read:

11 "31-14-6. ORDER OF COURT COMMITTING INSANE PERSON TO
12 HOSPITAL. --The court [~~must~~] shall make and cause to be entered
13 an order reciting the fact of such inquiry and the result
14 thereof [~~and~~]. When it is found that the defendant is insane,
15 the order [~~must~~] shall direct that [~~he~~] the defendant be taken
16 to the [~~State Hospital for the Insane~~] New Mexico behavioral
17 health institute at Las Vegas, and there kept in safe
18 confinement until his reason is restored. "

19 Section 9. Section 31-14-7 NMSA 1978 (being Laws 1929,
20 Chapter 69, Section 7) is amended to read:

21 "31-14-7. DEFENDANT FOUND TO BE SANE-- DUTY OF WARDEN. -- If
22 it is found that the defendant is sane, the warden [~~must~~] shall
23 proceed to execute the judgment as specified in the warrant.
24 If it is found that the defendant is insane, the warden [~~must~~]
25 shall suspend the execution and transmit a certified copy of

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1 the order mentioned in ~~[the last]~~ Section 31-14-6 NMSA 1978 to
2 the governor, and deliver the defendant, together with a
3 certified copy of such order, to the superintendent of the
4 ~~[State Hospital for the Insane]~~ New Mexico behavioral health
5 institute at Las Vegas. When the defendant recovers his
6 reason, the superintendent of ~~[such hospital must]~~ the
7 institute shall certify that fact to the governor who ~~[must]~~
8 shall thereupon issue to the warden his warrant, appointing a
9 day for the execution of the judgment. "

10 Section 10. Section 31-21-11 NMSA 1978 (being Laws 1959,
11 Chapter 30, Section 1, as amended) is amended to read:

12 "31-21-11. PAROLE TO DETAINERS TO SERVE ANOTHER SENTENCE
13 OR FOR HOSPITALIZATION AND TREATMENT. --Prisoners who are
14 otherwise eligible for parole may be paroled to detainers to
15 serve another sentence within the penitentiary or to the
16 forensic treatment or alcohol treatment unit of the New Mexico
17 ~~[state hospital]~~ behavioral health institute at Las Vegas or to
18 any other specific hospital or residential treatment program
19 determined necessary by the board. "

20 Section 11. Section 43-1-3 NMSA 1978 (being Laws 1977,
21 Chapter 279, Section 2, as amended) is amended to read:

22 "43-1-3. DEFINITIONS. --As used in the Mental Health and
23 Developmental Disabilities Code:

24 A. "aversive stimuli" means anything which, because
25 it is believed to be unreasonably unpleasant, uncomfortable or

1 distasteful to the client, is administered or done to the
2 client for the purpose of reducing the frequency of a behavior,
3 but does not include verbal therapies, physical restrictions to
4 prevent imminent harm to self or others or psychotropic
5 medications which are not used for purposes of punishment;

6 B. "client" means any patient who is requesting or
7 receiving mental health services or any person requesting or
8 receiving developmental disabilities services or who is present
9 in a mental health or developmental disabilities facility for
10 the purpose of receiving such services or who has been placed
11 in a mental health or developmental disabilities facility by
12 his parent or guardian or by any court order;

13 C. "code" means the Mental Health and Developmental
14 Disabilities Code;

15 D. "consistent with the least drastic means
16 principle" means that the habilitation or treatment and the
17 conditions of habilitation or treatment for the client,
18 separately and in combination:

19 (1) are no more harsh, hazardous or intrusive
20 than necessary to achieve acceptable treatment objectives for
21 the client;

22 (2) involve no restrictions on physical
23 movement and no requirement for residential care except as
24 reasonably necessary for the administration of treatment or for
25 the protection of the client or others from physical injury;

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1 and

2 (3) are conducted at the suitable available
3 facility closest to the client's place of residence;

4 E. "convulsive treatment" means any form of mental
5 health treatment which depends upon creation of a convulsion by
6 any means, including but not limited to electroconvulsive
7 treatment and insulin coma treatment;

8 F. "court" means a district court of New Mexico;

9 G. "department" or "division" means the behavioral
10 health services division of the department of health;

11 H. "developmental disability" means a disability of
12 a person which is attributable to mental retardation, cerebral
13 palsy, autism or neurological dysfunction which requires
14 treatment or habilitation similar to that provided to persons
15 with mental retardation;

16 I. "evaluation facility" means a community mental
17 health or developmental disability program, a medical facility
18 having psychiatric or developmental disability services
19 available, including the [~~Las Vegas medical center~~] New Mexico
20 behavioral health institute at Las Vegas, the Los Lunas
21 [~~hospital and training school~~] medical center or, if none of
22 the foregoing is reasonably available or appropriate, the
23 office of a licensed physician or a certified psychologist, any
24 of which shall be capable of performing a mental status
25 examination adequate to determine the need for involuntary

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1 treatment;

2 J. "experimental treatment" means any mental health
3 or developmental disabilities treatment which presents
4 significant risk of physical harm, but does not include
5 accepted treatment used in competent practice of medicine and
6 psychology and supported by scientifically acceptable studies;

7 K. "grave passive neglect" means failure to provide
8 for basic personal or medical needs or for one's own safety to
9 such an extent that it is more likely than not that serious
10 bodily harm will result in the near future;

11 L. "habilitation" means the process by which
12 professional persons and their staff assist the developmentally
13 disabled client in acquiring and maintaining those skills and
14 behaviors which enable him to cope more effectively with the
15 demands of his own person and of his environment and to raise
16 the level of his physical, mental and social efficiency.

17 "Habilitation" includes but is not limited to programs of
18 formal, structured education and treatment;

19 M. "likelihood of serious harm to oneself" means
20 that it is more likely than not that in the near future the
21 person will attempt to commit suicide or will cause serious
22 bodily harm to himself by violent or other self-destructive
23 means, including but not limited to grave passive neglect;

24 N. "likelihood of serious harm to others" means
25 that it is more likely than not that in the near future the

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1 person will inflict serious, unjustified bodily harm on another
2 person or commit a criminal sexual offense, as evidenced by
3 behavior causing, attempting or threatening such harm, which
4 behavior gives rise to a reasonable fear of such harm from the
5 person;

6 O. "mental disorder" means the substantial disorder
7 of the person's emotional processes, thought or cognition which
8 grossly impairs judgment, behavior or capacity to recognize
9 reality, but does not mean developmental disability;

10 P. "mental health or developmental disabilities
11 professional" means a physician or other professional who by
12 training or experience is qualified to work with individuals
13 with mental disorders or developmental disabilities;

14 Q. "physician" or "certified psychologist", when
15 used for the purpose of hospital admittance or discharge, means
16 a physician or certified psychologist who has been granted
17 admitting privileges at a hospital licensed by the department
18 of health, if such privileges are required;

19 R. "psychosurgery" means those operations currently
20 referred to as lobotomy, psychiatric surgery and behavioral
21 surgery and all other forms of brain surgery if the surgery is
22 performed for the purpose of the following:

23 (1) modification or control of thoughts,
24 feelings, actions or behavior rather than the treatment of a
25 known and diagnosed physical disease of the brain;

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1 (2) treatment of abnormal brain function or
2 normal brain tissue in order to control thoughts, feelings,
3 actions or behavior; or

4 (3) treatment of abnormal brain function or
5 abnormal brain tissue in order to modify thoughts, feelings,
6 actions or behavior when the abnormality is not an established
7 cause for those thoughts, feelings, actions or behavior.

8 "Psychosurgery" does not include prefrontal sonic
9 treatment in which there is no destruction of brain tissue;

10 S. "residential treatment or habilitation program"
11 means diagnosis, evaluation, care, treatment or habilitation
12 rendered inside or on the premises of a mental health or
13 developmental disabilities facility, hospital, clinic,
14 institution or supervisory residence or nursing home when the
15 individual resides on the premises; and

16 T. "treatment" means any effort to accomplish a
17 significant change in the mental or emotional condition or
18 behavior of the client [and

19 ~~U. "division" means the behavioral health services~~
20 ~~division of the department of health]. "~~