

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 585

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO HEALTH; AMENDING CERTAIN DEFINITIONS IN THE PUBLIC HEALTH ACT.

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

Section 1. Section 24-1-2 NMSA 1978 (being Laws 1973, Chapter 359, Section 2, as amended) is amended to read:

"24-1-2. DEFINITIONS.--As used in the Public Health Act:

A. "department" or "division" means the children, youth and families department as to child care centers, residential treatment centers that serve persons up to twenty-one years of age, community mental health centers that serve only persons up to twenty-one years of age, ~~and~~ day treatment centers that serve persons up to twenty-one years of age, shelter care homes and those outpatient facilities that are also community-based behavioral health facilities serving only

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 persons up to twenty-one years of age and the department of  
2 health as to all other health facilities;

3 B. "director" means the secretary;

4 C. "person", when used without further  
5 qualification, means an individual or any other form of entity  
6 recognized by law;

7 D. "health facility" means a public hospital,  
8 profit or nonprofit private hospital, general or special  
9 hospital, outpatient facility, maternity home or shelter, adult  
10 daycare facility, nursing home, intermediate care facility,  
11 boarding home not under the control of an institution of higher  
12 learning, child care center, shelter care home, diagnostic and  
13 treatment center, rehabilitation center, infirmary, community  
14 mental health center that serves both children and adults or  
15 adults only, residential treatment center that serves persons  
16 up to twenty-one years of age, community mental health center  
17 that serves only persons up to twenty-one years of age and day  
18 treatment center that serves persons up to twenty-one years of  
19 age or a health service organization operating as a  
20 freestanding hospice or a home health agency. The designation  
21 of these entities as health facilities is only for the purposes  
22 of definition in the Public Health Act and does not imply that  
23 a free-standing hospice or a home health agency is considered a  
24 health facility for the purposes of other provisions of state  
25 or federal laws. "Health facility" also includes those

.165671.2

underscored material = new  
[bracketed material] = delete

1 facilities that, by federal regulation, must be licensed by the  
2 state to obtain or maintain full or partial, permanent or  
3 temporary federal funding. It does not include the offices and  
4 treatment rooms of licensed private practitioners; and

5 E. "secretary" means the secretary of children,  
6 youth and families as to child care centers, [~~and facilities~~]  
7 residential treatment centers that serve persons up to twenty-  
8 one years of age, community mental health centers that serve  
9 only persons up to twenty-one years of age, day treatment  
10 centers that serve persons up to twenty-one years of age,  
11 shelter care homes and those outpatient facilities that are  
12 also community-based behavioral health facilities serving only  
13 persons up to twenty-one years of age and the secretary of  
14 health as to all other health facilities."

15 - 3 -  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

.165671.2