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HOUSE BILL 135

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO HEALTH; AMENDING AND ENACTING SECTIONS OF THE HUMAN SERVICES DEPARTMENT ACT TO PROVIDE FOR INTERVENTIONS FOR YOUTH AT RISK AND FOR NONVIOLENT OFFENDERS WHO HAVE BEHAVIORAL HEALTH DIAGNOSES IN WAYS LIKELY TO REDUCE RECIDIVISM, DETENTION AND INCARCERATION; CREATING THE COUNTY BEHAVIORAL HEALTH TRANSPORTATION FUND; MAKING AN APPROPRIATION.

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

**SECTION 1.** Section 9-8-7.1 NMSA 1978 (being Laws 2007, Chapter 325, Section 4) is amended to read:

"9-8-7.1. BEHAVIORAL HEALTH SERVICES DIVISION--POWERS AND DUTIES OF THE HUMAN SERVICES DEPARTMENT.--

A. Subject to appropriation, the department shall:

~~[A.]~~ (1) contract for behavioral health treatment and support services, including mental health,

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1 alcoholism and other substance abuse services;

2 [B-] (2) establish standards for the delivery  
3 of behavioral health services, including quality management and  
4 improvement, performance measures, accessibility and  
5 availability of services, utilization management, credentialing  
6 and recredentialing, rights and responsibilities of providers,  
7 preventive behavioral health services, clinical treatment and  
8 evaluation and the documentation and confidentiality of client  
9 records;

10 [G-] (3) ensure that all behavioral health  
11 services, including mental health and substance abuse services,  
12 that are provided, contracted for or approved are in compliance  
13 with the requirements of Section 9-7-6.4 NMSA 1978;

14 [D-] (4) assume responsibility for and  
15 implement adult mental health and substance abuse services in  
16 the state in coordination with the children, youth and families  
17 department;

18 (5) for youth at risk and for nonviolent adult  
19 and juvenile offenders who have behavioral health diagnoses:

20 (a) create, implement and continually  
21 evaluate the effectiveness of a framework for targeted,  
22 individualized interventions that address those individuals'  
23 behavioral health needs; and

24 (b) connect those individuals to  
25 resources and services, including supportive housing, public

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1 assistance, medical assistance, behavioral health therapy and  
2 employment training, that reduce the likelihood of involvement  
3 in the juvenile justice or criminal justice systems and that  
4 reduce the likelihood of recidivism, detention and  
5 incarceration;

6 (6) establish a program pursuant to which  
7 counties may apply for and, in accordance with criteria  
8 established by the department, be awarded money from the county  
9 behavioral health transportation fund to provide for the  
10 transport of indigent patients to behavioral health services;

11 [~~E-~~] (7) establish criteria for determining  
12 individual eligibility for behavioral health services; and

13 [~~F-~~] (8) maintain a management information  
14 system in accordance with standards for reporting clinical and  
15 fiscal information.

16 B. As used in this section, "youth at risk" means  
17 an individual between the ages of thirteen and twenty-one years  
18 of age whom a school health care provider has identified as  
19 being at risk of involvement in the juvenile justice or  
20 criminal justice system."

21 SECTION 2. A new section of the Human Services Department  
22 Act is enacted to read:

23 "[NEW MATERIAL] COUNTY BEHAVIORAL HEALTH TRANSPORTATION  
24 FUND.--The "county behavioral health transportation fund" is  
25 created in the state treasury. The fund shall consist of

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1 appropriations, gifts, grants, donations and bequests made to  
2 the fund. Money in the fund is appropriated to the department  
3 for the purpose of making distributions to counties that apply  
4 for and, in accordance with department rules, qualify for funds  
5 for the transport of indigent patients to behavioral health  
6 services pursuant to the provisions of Paragraph (6) of  
7 Subsection A of Section 9-8-7.1 NMSA 1978. Money in the fund  
8 shall be disbursed on warrants signed by the secretary of  
9 finance and administration pursuant to vouchers signed by the  
10 secretary of human services or the secretary's authorized  
11 representative. Money in the fund shall be invested as  
12 provided for other state funds, and income earned on the fund  
13 shall be credited to the fund. Any unexpended or unencumbered  
14 balance remaining at the end of a fiscal year shall not revert  
15 to the general fund."

16 **SECTION 3. APPROPRIATION.**--One million dollars  
17 (\$1,000,000) is appropriated from the general fund to the  
18 county behavioral health transportation fund for expenditure in  
19 fiscal year 2019 and subsequent fiscal years to fund counties'  
20 transport of indigent patients to behavioral health services  
21 pursuant to the provisions of Paragraph (6) of Subsection A of  
22 Section 9-8-7.1 NMSA 1978. Any unexpended or unencumbered  
23 balance remaining at the end of a fiscal year shall not revert  
24 to the general fund.

25 **SECTION 4. EFFECTIVE DATE.**--The effective date of the  
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1 provisions of this act is July 1, 2018.

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