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AN ACT

RELATING TO HEALTH; AMENDING AND ENACTING SECTIONS OF THE HUMAN SERVICES DEPARTMENT ACT TO PROVIDE FOR INTERVENTIONS FOR INCARCERATED INDIVIDUALS WHO HAVE BEHAVIORAL HEALTH DIAGNOSES IN WAYS LIKELY TO REDUCE RECIDIVISM, DETENTION AND INCARCERATION.

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.--Subject to appropriation, the department shall:

A. contract for behavioral health treatment and support services, including mental health, alcoholism and other substance abuse services;

B. establish standards for the delivery of behavioral health services, including quality management and improvement, performance measures, accessibility and availability of services, utilization management, credentialing and recredentialing, rights and responsibilities of providers, preventive behavioral health services, clinical treatment and evaluation and the documentation and confidentiality of client records;

C. ensure that all behavioral health services,

1 including mental health and substance abuse services, that
2 are provided, contracted for or approved are in compliance
3 with the requirements of Section 9-7-6.4 NMSA 1978;

4 D. assume responsibility for and implement adult
5 mental health and substance abuse services in the state in
6 coordination with the children, youth and families
7 department;

8 E. create, implement and continually evaluate the
9 effectiveness of a framework for targeted, individualized
10 interventions for individuals who are incarcerated in a
11 county or municipal correctional facility and adult and
12 juvenile offenders who have behavioral health diagnoses,
13 which framework shall address those persons' behavioral
14 health needs while they are incarcerated and connect them to
15 resources and services immediately upon release;

16 F. establish criteria for determining individual
17 eligibility for behavioral health services; and

18 G. maintain a management information system in
19 accordance with standards for reporting clinical and fiscal
20 information."

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

23 "INCARCERATED INDIVIDUALS--BEHAVIORAL HEALTH
24 SERVICES--COUNTY FUNDING PROGRAM.--To carry out the
25 provisions of Subsection E of Section 9-8-7.1 NMSA 1978 and

1 to provide behavioral health services to individuals who are
2 incarcerated in a county correctional facility:

3 A. the secretary shall adopt and promulgate rules:

4 (1) pursuant to which a county may apply for
5 and be awarded funding through the department; and

6 (2) to establish priorities and guidelines
7 for the award of funding to counties; and

8 B. the department shall distribute funds, as
9 funding permits, to the county health care assistance funds
10 of those counties:

11 (1) that apply for behavioral health
12 services funding in accordance with department rules; and

13 (2) whose proposed utilization of funding
14 pursuant to this section meets the priorities and guidelines
15 for the awarding of behavioral health services funding
16 established in department rules."

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