

LFC Requestor: Eric Chenier

2024 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS

Section I: General

Chamber: Senate

Category: Bill

Number: 142

Type: Introduced

Date (of THIS analysis): January 23, 2024

Sponsor(s): George K. Munoz

Short Title: Behavioral Health Facility Notification

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 24	FY 25		
\$0	\$0	NA	NA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 24	FY 25	FY 26		
\$0	\$0	\$0	NA	NA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 24	FY 25	FY 26	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	NA	NA

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: None

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 142 (SB 142) would require a residential behavioral health facility not admit a patient for residential treatment without obtaining or providing evidence that the facility has attempted to obtain contact information for a family member of the patient.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

Being hospitalized for a mental illness can be a challenging experience for both the hospitalized individual and the loved one who is trying to help them due to restrictions that are put in place to protect the person receiving treatment. These can include locked doors, clothing and gift rules, restrictive visiting hours, and limits on where patients can go. Phones are located only in common areas and their use is sometimes restricted. These rules are in place to help ensure the safety of the patient and others. [My loved one is receiving mental health treatment but I can't get any information because of HIPAA. What can I do? - NAMI HelpLine](#)

Due to privacy laws and treatment schedules, families may have a difficult time reaching their loved one by phone or visiting while they're hospitalized. Many hospitals require the patient to sign a privacy release to allow family members or friends to contact them while hospitalized. Without a signed release, the hospital/facility cannot confirm if your loved one is even admitted, much less provide specific details on the status of their treatment. [My loved one is receiving mental health treatment but I can't get any information because of HIPAA. What can I do? - NAMI HelpLine](#)

Research suggests it is important for patients receiving behavioral health care that they connect with people from their family/community who can provide support and reassurance, leading to better treatment outcomes. One recent review of family involvement in care planning found that many families did not feel invited or engaged in collaborative treatment planning. Families generally perceived that mental health professionals did not welcome their involvement. [Psychiatry.org - Family Involvement in Treatment Can Improve Outcomes](#)

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

None

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No
- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

None

9. HEALTH IMPACT(S)

None

10. ALTERNATIVES

None

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If SB 142 is not passed, no requirement would be made for a residential behavioral health facility to not admit a patient for residential treatment without obtaining or providing evidence

that the facility has attempted to obtain contact information for a family member of the patient.

12. AMENDMENTS

None