AN ACT

RELATING TO HEALTH; PROVIDING FOR DEVELOPMENT AND IMPLEMENTATION OF A PLAN FOR GROWTH OF INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED.

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

Section 1. Section 24-1-5.3 NMSA 1978 (being Laws 1990, Chapter 97, Section 1, as amended) is amended to read:

"24-1-5.3. INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED--LICENSURE MORATORIUM.--

A. The department shall not issue a license to any new intermediate care facility for the mentally retarded nor shall the department issue a license for an increase over the bed capacity that existed on January 1, 1993 in an existing facility. No such facility shall apply for licensure except as provided in Subsection B of this section.

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Underscored material = new
[bracketed material] = delete

1   B.   Except as provided in Subsection C of this

2   section for transfers, the department may accept applications

3   for and issue licenses to intermediate care facilities for the

4   mentally retarded on and after the earliest of the following

5   dates:

6   (1)   [July 1, 1997] January 1, 1999, provided

7   that the secretary of human services certifies to the secretary

8   of health that the human services department and the department

9   of health have approved and begun implementation of a plan to

10   control the growth of intermediate care facilities for the

11   mentally retarded and to establish the future role of

12   intermediate care facilities for the mentally retarded in the

13   developmental disabilities service system; [or]

14   (2)   July 1, 1999 if it is necessary to have

15   legislation enacted to facilitate the implementation of the

16   plan; or

17   [(2)] (3)   the date the secretary of health

18   certifies to the department of finance and administration that

19   an emergency exists that threatens the health and safety of

20   persons with developmental disabilities, provided that licenses

21   granted under this paragraph do not exceed the total statewide

22   bed capacity that existed on January 1, 1993.

23   C.   Upon application, the department may transfer no

24   more than eighty beds from currently licensed intermediate care

25   facilities for the mentally retarded to other licensed

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1   intermediate care facilities for the mentally retarded; provided

2   those facilities:

3   (1)   are licensed to provide sufficient beds and

4   care for no more than four mentally retarded persons;

5   (2)   include fiscal, geographic, service and

6   access criteria necessary to provide for the needs of persons in

7   need of such facilities;

8   (3)   are in accordance with the freedom of

9   choice provisions of Title XIX of the Social Security Act; and

10   (4)   are located no closer than one hundred

11   fifty feet from an existing intermediate care facility for the

12   mentally retarded, developmentally disabled or a nursing home.

13   [C.] D.   As used in this section, "intermediate care

14   facility for the mentally retarded" means any intermediate care

15   facility eligible for certification as an intermediate care

16   facility for the mentally retarded."

17   Section 2.   [NEW MATERIAL]   PLAN OF GROWTH--REQUIREMENTS--

18   REPORTING.--No later than July 1, 1999 the human services

19   department and the department of health shall develop and

20   implement a plan to control growth of intermediate care

21   facilities for the mentally retarded and clarify the role of

22   intermediate care facilities for the mentally retarded in the

23   developmental disabilities care system.   The plan shall include

24   fiscal, geographical, service and access criteria necessary to

25   provide for the needs of individuals in need of such facilities

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1   and shall be in accordance with the freedom of choice provisions

2   of Title XIX of the Social Security Act.   The departments shall

3   present a joint report and legislative recommendations on growth

4   of intermediate care facilities for the mentally retarded to the

5   interim legislative health and human services committee no later

6   than October 1, 1998.

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FORTY-THIRD LEGISLATURE   **SB 978/a**

FIRST SESSION, 1997

February 28, 1997

Mr. President:

Your **FINANCE COMMITTEE**, to whom has been referred

SENATE BILL 978

has had it under consideration and reports same with

recommendation that it **DO PASS**, amended as follows:

1.   On page 2, line 25, strike "licensed".

2.   On page 3, line 1, after "retarded" insert "licensed for
the purposes of this subsection".

3.   On page 3, line 4, after "persons" insert "per facility".

4.   On page 3, line 6, after "criteria" insert "pursuant to
regulations adopted by the department of health".

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SFC/SB 978   Page 6

    5.   On page 3, line 9, strike "and".

    6.   On page 3, line 12, after the comma insert "a licensed facility for people who are".

    7.   On page 3, line 12, strike the period and insert "; and".

    8.   On page 3, between lines 12 and 13, insert Paragraph (5) to read:

    "(5) eight of the eighty beds shall be exempt from the provisions of Paragraphs (1) through (4) of this subsection and are transferred to the Las Vegas medical center by the department of health for the purposes of programs for persons with developmental disabilities.".

    9.   On page 3, line 23, after "system" insert "; provided that the plan shall be developed and implemented by January 1, 1999 unless it is necessary to have legislation enacted to facilitate implementation of the plan.".

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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3   SFC/SB 978   Page 7

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7   Respectfully submitted,

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11   _____

12   **Ben D. Altamirano, Chairman**

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18   Adopted_____   Not Adopted_____

19   (Chief Clerk)   (Chief Clerk)

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22   Date _____

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25   The roll call vote was 4 For 3 Against

     Yes: 4

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3 SFC/SB 978   Page 8

4 No: Campos, Romero, Fidel,

5 Excused: Aragon, Altamirano, Carraro, Smith

6 Absent: None

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State of New Mexico

House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

March 20, 1997

Mr. Speaker:

Your **APPROPRIATIONS AND FINANCE COMMITTEE,** to whom has been referred

SENATE BILL 978, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike Senate Finance Committee Amendments 3, 6 and 9.

2. On page 2, line 6, strike "January" and insert in lieu thereof "July".

3. On page 2, line 9, strike "begun implementation of" and insert in lieu thereof "presented to the first session of the

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2 forty-fourth legislature".

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4   4.   On page 2, line 13, remove the brackets and line-through.

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       5.   On page 2, strike lines 14 through 16.

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7   6.   On page 3, line 4, strike "mentally retarded persons" and

8 inset in lieu thereof "persons with mental retardation per

9 residence".

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11   7.   On page 3, line 12, strike "developmentally disabled" and

   insert in lieu thereof "home for persons with developmental

12 disabilities".

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14   8.   On page 3, line 18, strike "July" and insert in lieu

15 thereof "January".

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17   9.   On page 3, line 19, strike the second occurrence of "and"

18 and on line 20, strike "implement".

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       10. On page 3, line 20, after "plan" insert "with approval of

20 the first session of the forty-fourth legislature".

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2   Respectfully submitted,

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6   **Max Coll, Chairman**

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9   Adopted _____   Not Adopted _____

10   (Chief Clerk)   (Chief Clerk)

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12   Date _____

13   The roll call vote was __15__ For _0_ Against

14   Yes: 15

15   Excused: Heaton, Marquardt

16   Absent: None

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