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## FISCAL IMPACT REPORT

**LAST UPDATED** \_\_\_\_\_

**SPONSOR** Muñoz **ORIGINAL DATE** 2/3/2024

**BILL**

**SHORT TITLE** Behavioral Health Facility Notification **NUMBER** Senate Bill 142

**ANALYST** Chenier

### REVENUE\* (dollars in thousands)

Type	FY24	FY25	FY26	FY27	FY28	Recurring or Nonrecurring	Fund Affected
		Indeterminate but minimal gain	Recurring	Unknown			

Parentheses ( ) indicate revenue decreases.

\*Amounts reflect most recent analysis of this legislation.

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT

Agency/Program	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		\$198.5	\$198.5	\$397	Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Agency Analysis Received From  
Children, Youth and Families Department (CYFD)

## SUMMARY

### Synopsis of Senate Bill 142

Senate Bill 142 requires residential behavioral health facilities to attempt to obtain contact information for a family member of a patient admitted into the facility and to allow patients the opportunity to notify the patient's family that the patient has been admitted to the facility. A residential behavioral health facility that fails to comply with the requirements of this section shall be assessed a civil penalty not to exceed \$750. For any subsequent violation of this section, the residential behavioral health facility shall be assessed a civil penalty not to exceed \$1,000.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns, or May 15, 2024, if enacted.

## **FISCAL IMPLICATIONS**

This bill does not specify who would be responsible for enforcing the bill’s provisions. The bill is also silent on where proceeds from the fines would go.

CYFD said if the Licensing and Certification Authority Bureau (LCA) within the Children Youth and Families Department is one of the regulatory bodies responsible for monitoring and enforcing compliance with this proposed legislation, then additional positions will be needed to support such a function. This would include one additional LCA program monitor and one additional LCA quality monitor. The cost would be \$193.5 thousand in salaries and benefits and \$5,000 in overhead costs. The total budget needed for salaries and benefits and overhead costs is \$198.5 thousand.

This legislation assesses penalties for violations of the notification requirements, potentially resulting in a pool of money. However, the number of penalties and the receiving agency is not identified in the proposed legislation. The amount of revenue generated would be dependent on the number of civil penalties assessed.

## **SIGNIFICANT ISSUES**

CYFD provided the following:

This bill does not specify if it is related to children or adults or anyone who is in a residential behavioral health facility. A child's parent or legal guardian would be responsible for the child's admission into a residential behavioral health facility and would, therefore, know of the child’s presence.

The term “family member” is not defined in proposed legislation. Particularly for residential treatment centers providing services to minors, there may need to be more clarification regarding what constitutes family notification. Patients in the custody of the State and/or in Tribal custody may be restricted by court order from contacting their family members. In such instances, residential treatment facilities would not be able to demonstrate evidence that they attempted to obtain contact information for family.

## **ADMINISTRATIVE IMPLICATIONS**

CYFD reports existing statute (32A-6A-12.A NMSA 1978) already requires that children and youth be provided with reasonable access to their legal custodian and a family member through visitation, videoconferencing, and telephone access.

EC/rl/hg