

1 HOUSE BILL 329

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO BEHAVIORAL HEALTH; MAKING CHANGES TO THE  
12 COMPOSITION OF THE INTERAGENCY BEHAVIORAL HEALTH PURCHASING  
13 COLLABORATIVE; ADMINISTRATIVELY ATTACHING THE INTERAGENCY  
14 BEHAVIORAL HEALTH PURCHASING COLLABORATIVE TO THE OFFICE OF THE  
15 GOVERNOR; CREATING THE DIRECTOR OF THE COLLABORATIVE NOMINATING  
16 COMMITTEE; REQUIRING THE DIRECTOR OF THE COLLABORATIVE TO BE  
17 SELECTED FROM A LIST OF QUALIFIED NOMINEES CREATED BY THE  
18 NOMINATING COMMITTEE; REPEALING SECTION 24A-3-2 NMSA 1978  
19 (BEING LAWS 2004, CHAPTER 46, SECTION 2, AS AMENDED).

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

22 SECTION 1. Section 24A-3-1 NMSA 1978 (being Laws 2004,  
23 Chapter 46, Section 8, as amended) is amended to read:

24 "24A-3-1. INTERAGENCY BEHAVIORAL HEALTH PURCHASING  
25 COLLABORATIVE.--

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1           A. The "interagency behavioral health purchasing  
2 collaborative" is created, consisting of the secretaries of  
3 health care authority, [~~aging and long-term services~~] Indian  
4 affairs, health, corrections, children, youth and families and  
5 early childhood education and care [~~finance and administration,~~  
6 ~~workforce solutions, public education and transportation or~~  
7 ~~their designees~~] and the directors of the New Mexico behavioral  
8 health providers association and the administrative office of  
9 the courts [~~the retiree health care authority, the governor's~~  
10 ~~commission on disability, the developmental disabilities~~  
11 ~~council, the instructional support and vocational education~~  
12 ~~division of the public education department and the New Mexico~~  
13 ~~health policy commission or their designees, and the governor's~~  
14 ~~health policy coordinator~~] or their designees. The  
15 collaborative shall be chaired by the secretary of health care  
16 authority [~~with the respective secretaries of health and~~  
17 ~~children, youth and families alternating annually as co-~~  
18 ~~chairs~~]. The interagency behavioral health purchasing  
19 collaborative is administratively attached to the office of the  
20 governor.

21           B. The collaborative shall meet [~~regularly~~]  
22 publicly at least quarterly and at the call of [~~either co-~~  
23 ~~chair~~] the chair and shall:

24                   (1) identify behavioral health needs  
25 statewide, with an emphasis on that hiatus between needs and

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1 services set forth in the authority's gap analysis and in  
2 ongoing needs assessments, and develop a master plan for  
3 statewide delivery of services;

4 (2) give special attention to regional  
5 differences, including cultural, rural, frontier, urban and  
6 border issues;

7 (3) inventory all expenditures for behavioral  
8 health, including mental health and substance abuse;

9 (4) plan, design and direct a statewide  
10 behavioral health system, ensuring both availability of  
11 services and efficient use of all behavioral health funding,  
12 taking into consideration funding appropriated to specific  
13 affected departments; ~~and~~

14 (5) contract for operation of one or more  
15 behavioral health entities to ensure availability of services  
16 throughout the state; and

17 (6) consider public input at each meeting.

18 C. The plan for delivery of behavioral health  
19 services shall include specific service plans to address the  
20 needs of infants, children, adolescents, adults and seniors, as  
21 well as to address workforce development and retention and  
22 quality improvement issues. The plan shall be revised every  
23 two years and shall be adopted by the authority as part of the  
24 statewide health plan.

25 D. The plan shall take the following principles

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1 into consideration, to the extent practicable and within  
2 available resources:

3 (1) services should be individually centered  
4 and family-focused based on principles of individual capacity  
5 for recovery and resiliency;

6 (2) services should be delivered in a  
7 culturally responsive manner in a home- or community-based  
8 setting, where possible;

9 (3) services should be delivered in the least  
10 restrictive and most appropriate manner;

11 (4) individualized service planning and case  
12 management should take into consideration individual and family  
13 circumstances, abilities and strengths and be accomplished in  
14 consultation with appropriate family, caregivers and other  
15 persons critical to the individual's life and well-being;

16 (5) services should be coordinated,  
17 accessible, accountable and of high quality;

18 (6) services should be directed by the  
19 individual or family served to the extent possible;

20 (7) services may be consumer- or family-  
21 provided, as defined by the collaborative;

22 (8) services should include behavioral health  
23 promotion, prevention, early intervention, treatment, ~~[and]~~  
24 community support, housing support, support for persons  
25 involved in the criminal justice system and treatment for

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1 substance use disorder; and

2 (9) services should consider regional  
3 differences, including cultural, rural, frontier, urban and  
4 border issues.

5 E. The collaborative shall seek and consider  
6 suggestions of Native American representatives from Indian  
7 nations, tribes and pueblos and the urban Indian population,  
8 located wholly or partially within New Mexico, in the  
9 development of the plan for delivery of behavioral health  
10 services.

11 F. Pursuant to the State Rules Act, the  
12 collaborative shall adopt rules through the [~~authority~~] office  
13 of the governor for:

14 (1) standards of delivery for behavioral  
15 health services provided through contracted behavioral health  
16 entities, including:

- 17 (a) quality management and improvement;  
18 (b) performance measures;  
19 (c) accessibility and availability of  
20 services;  
21 (d) utilization management;  
22 (e) credentialing of providers;  
23 (f) rights and responsibilities of  
24 consumers and providers;  
25 (g) clinical evaluation and treatment

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1 and supporting documentation; and

2 (h) confidentiality of consumer records;

3 and

4 (2) approval of contracts and contract  
5 amendments by the collaborative, including public notice of the  
6 proposed final contract.

7 G. The collaborative shall, through the ~~[authority]~~  
8 office of the governor, submit a separately identifiable  
9 consolidated behavioral health budget request. The  
10 consolidated behavioral health budget request shall account for  
11 requested funding for the behavioral health services program at  
12 the authority and any other requested funding for behavioral  
13 health services from agencies identified in Subsection A of  
14 this section that will be used pursuant to Paragraph (5) of  
15 Subsection B of this section. Any contract proposed,  
16 negotiated or entered into by the collaborative is subject to  
17 the provisions of the Procurement Code.

18 H. The ~~[collaborative shall, with the consent of~~  
19 ~~the]~~ governor shall appoint a "director of the collaborative"  
20 who shall be selected from a list of qualified nominees  
21 submitted to the governor by the director of the collaborative  
22 nominating committee. The director is responsible for the  
23 coordination of day-to-day activities of the collaborative,  
24 including the coordination of staff from the collaborative  
25 member agencies. A person who is appointed as director of the

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1 collaborative shall not be employed in any other position in  
2 state or local government while the person serves as director  
3 of the collaborative.

4 I. The collaborative shall provide a quarterly  
5 report to the legislative finance committee on performance  
6 outcome measures. The collaborative shall submit an annual  
7 report to the legislative finance committee and the interim  
8 legislative health and human services committee that provides  
9 information on:

10 (1) the collaborative's progress toward  
11 achieving its strategic plans and goals;

12 (2) the collaborative's performance  
13 information, including contractors and providers; [~~and~~]

14 (3) the number of people receiving services,  
15 the most frequently treated diagnoses, expenditures by type of  
16 service and other aggregate claims data relating to services  
17 rendered and program operations; and

18 (4) the adequacy and allocation of mental  
19 health services throughout the state."

20 SECTION 2. A new section of Chapter 24A, Article 3 NMSA  
21 1978 is enacted to read:

22 "[NEW MATERIAL] DIRECTOR OF THE COLLABORATIVE NOMINATING  
23 COMMITTEE.--

24 A. The "director of the collaborative nominating  
25 committee" is created, and the nominating committee consists of

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1 three members who are:

2 (1) knowledgeable about behavioral health  
3 conditions and treatments;

4 (2) not recipients of contracts or other forms  
5 of compensation from the interagency behavioral health  
6 purchasing collaborative;

7 (3) not applicants or nominees for membership  
8 on the interagency behavioral health purchasing collaborative;  
9 and

10 (4) appointed as follows:

11 (a) one member appointed by the speaker  
12 of the house of representatives;

13 (b) one member appointed by the  
14 president pro tempore of the senate; and

15 (c) one member appointed by the  
16 governor.

17 B. A nominating committee member shall:

18 (1) be a resident of New Mexico;

19 (2) serve a four-year term; and

20 (3) serve without compensation, but shall be  
21 reimbursed for expenses incurred in pursuit of the member's  
22 duties on the nominating committee pursuant to the Per Diem and  
23 Mileage Act.

24 C. The nominating committee and individual members  
25 shall be subject to the Governmental Conduct Act, the

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1 Inspection of Public Records Act, the Financial Disclosure Act  
2 and the Open Meetings Act.

3 D. Administrative support shall be provided to the  
4 nominating committee by the staff of the authority.

5 E. Initial appointments to the nominating committee  
6 shall be made by the appointing authorities prior to September  
7 1, 2025. Subsequent appointments shall be made no later than  
8 thirty days before the end of a term.

9 F. The first meeting of the members of the  
10 nominating committee shall be held prior to November 1, 2025.  
11 The nominating committee shall select one member to be chair.  
12 Following the first meeting, the nominating committee shall  
13 meet as often as necessary in order to submit a list to the  
14 governor of no fewer than two qualified nominees for  
15 appointment as director of the collaborative. The list shall  
16 be developed to provide geographical diversity, and nominees on  
17 the list shall be from at least two different counties of the  
18 state.

19 G. The nominating committee shall meet at least  
20 ninety days prior to the date on which the term of the director  
21 of the collaborative ends and as often as necessary thereafter  
22 in order to submit a list to the governor, at least thirty days  
23 prior to the beginning of the new term, of no fewer than two  
24 qualified nominees from diverse geographical areas of the state  
25 for appointment as director of the collaborative.

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1           H. Upon the occurrence of a vacancy in the director  
2 of the collaborative position, the nominating committee shall  
3 meet within thirty days of the date of the beginning of the  
4 vacancy and as often as necessary thereafter in order to submit  
5 a list to the governor, within sixty days of the first meeting  
6 after the vacancy occurs, of no fewer than two qualified  
7 nominees from diverse geographical areas of the state for  
8 appointment as director of the collaborative.

9           I. If a position on the nominating committee  
10 becomes vacant during a term, a successor shall be selected in  
11 the same manner as the original appointment for that position  
12 and shall serve for the remainder of the term of the position  
13 vacated.

14           J. The nominating committee shall actively solicit,  
15 accept and evaluate applications and may require an applicant  
16 to submit any information the nominating committee deems  
17 relevant to the consideration of the individual's application.

18           K. A majority vote of all members of the nominating  
19 committee in favor of a person is required for that person to  
20 be included on the list of qualified nominees submitted to the  
21 governor."

22           SECTION 3. REPEAL.--Section 24A-3-2 NMSA 1978 (being Laws  
23 2004, Chapter 46, Section 2, as amended) is repealed.

24           SECTION 4. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is July 1, 2025.

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