

# New Mexico Boarding Homes Oversight

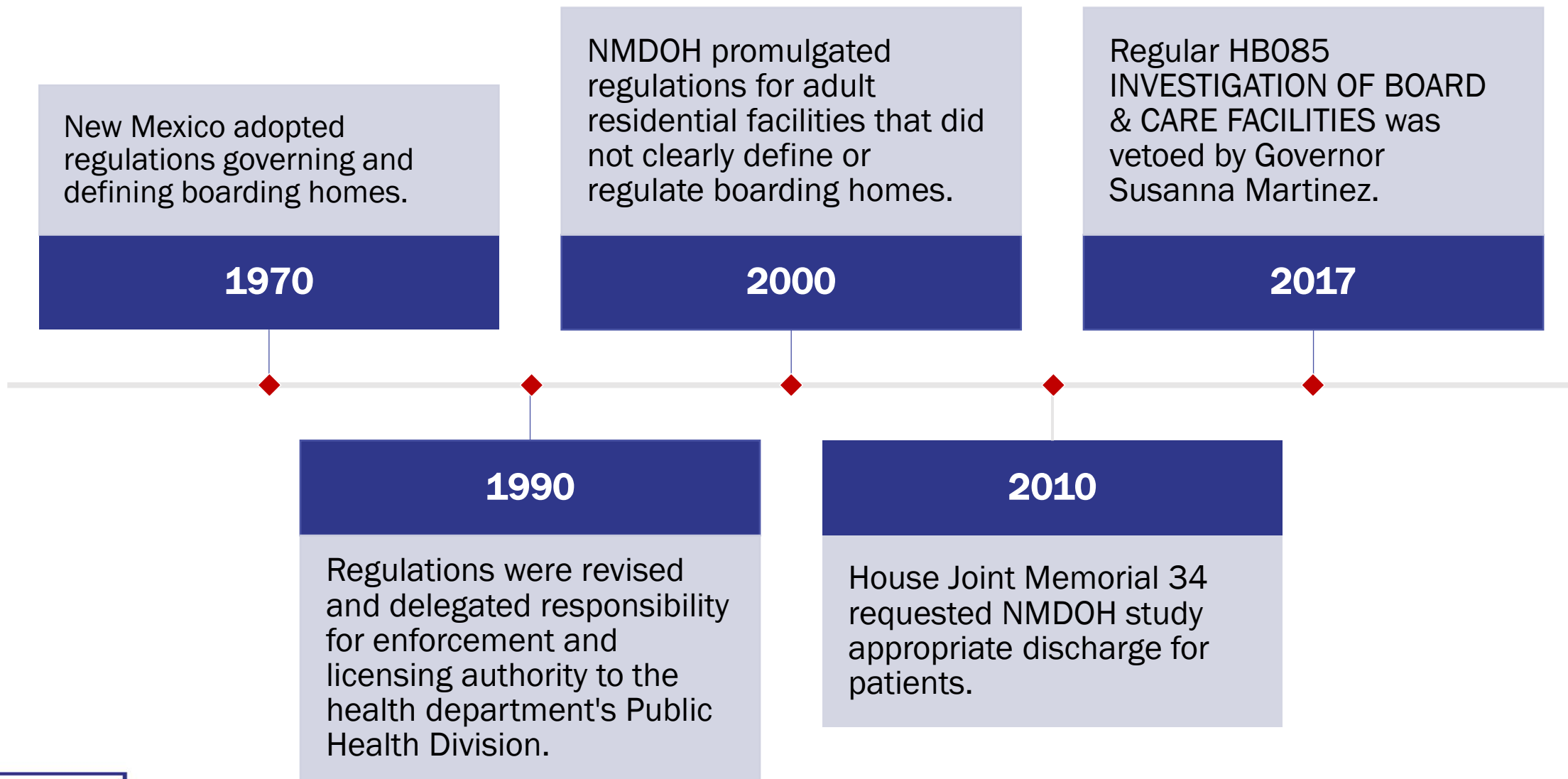
Patrick Allen

Cabinet Secretary, NMDOH

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# History of New Mexico Boarding Homes



# History of New Mexico Boarding Homes

Disability Rights New Mexico filed lawsuit against NMDOH. District Judge ordered NMDOH to publish rules for the licensure and oversight of boarding homes.

2018

**“This is a huge first step for us,”** said Alice Liu McCoy, an attorney for Disability Rights New Mexico, which brought the 2018 court action seeking to force the health department to regulate boarding homes.

*AP News, 2018*



New Mexico Behavioral Health Institute, Las Vegas, NM

# History of New Mexico Boarding Homes

NMDOH enacted emergency rule governing the licensure and regulation of boarding homes that residentially house individuals discharged from mental or behavioral health care institutions.

**2019**

**2020**

NMDOH promulgated NMAC 7.8.4, defining boarding homes in New Mexico and delegating NMDOH Division of Health Improvement with licensing and regulatory authority.

# New Mexico Boarding Homes in 2020

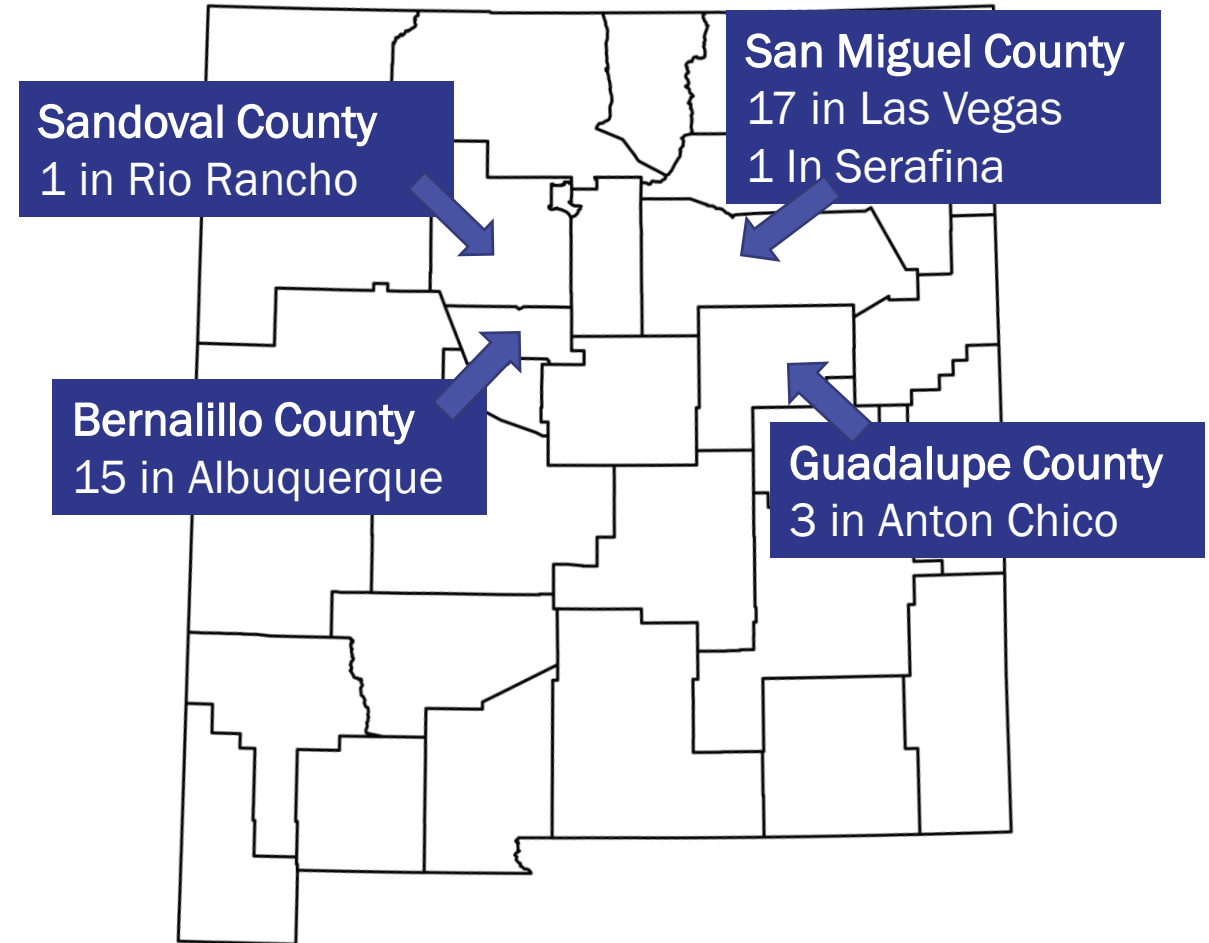
New Mexico boarding homes are regulated by [NMAC 7.8.4](#) (published June 3, 2020), which does the following:

- Grants NMDOH boarding home licensing and regulatory authority.
- Requires any facility that meets the following criteria be licensed as a boarding home by NMDOH:
  - Provides assistance with one or more instrumental activities of daily living or assistance with the coordination of community services;
  - Hosts two or more adults age 18 or older, not related to the owner; and
  - Admits residents discharged from any mental or behavioral health care institution.
- Details boarding homes' scope of services, safety regulations, and licensure requirements.

# NMDOH Boarding Home 2019

- Prioritized development of emergency boarding home rule (published Dec. 5, 2019)
- Conducted visits to boarding homes in Las Vegas and Albuquerque
- Met with City of Las Vegas and San Miguel County officials
- Hosted 3 town hall meetings for UNM and NMBHI boarding homes

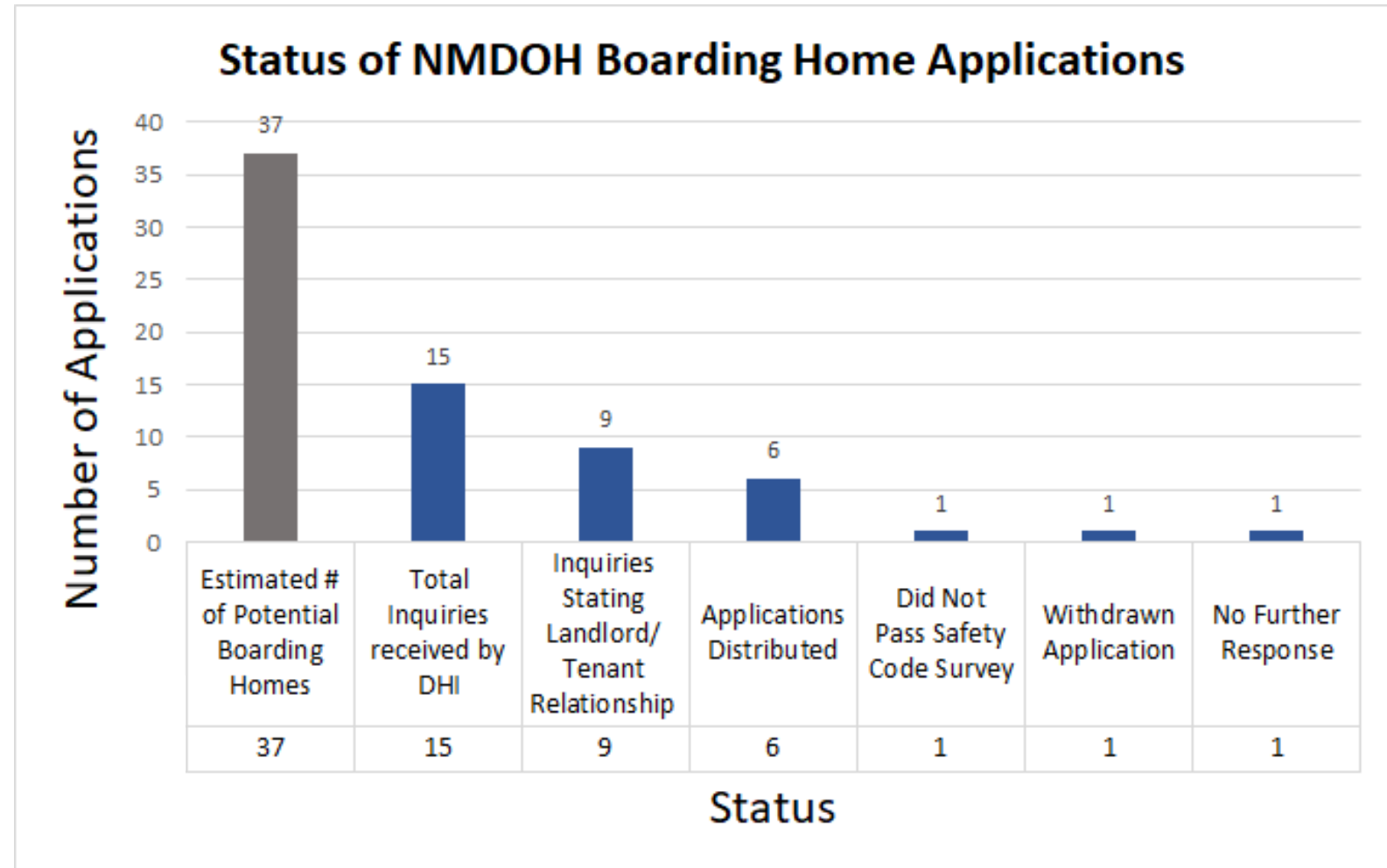
## Potential New Mexico Boarding Homes\*



\*based on 2019 discharge facility data from UNM and NMBHI

# NMDOH Boarding Home 2020-2021

- Held public hearings regarding proposed new rule
- Finalized NMAC 7.8.4 governing general requirements for New Mexico boarding homes (published June 3, 2020)
- Waived all licensing fees
- Sent potential boarding homes applications
- Conducted surveys (inspections) for potential applicants



# Licensed Boarding Homes 2022

- There are currently **(3)** Licensed Boarding Homes in Albuquerque
  - TLS: Frank Gray House: 1105 Georgia NE, ABQ
  - TLS: Vern Jolly House: 1600 Boatright NE, ABQ
  - TLS: Mesa House: 4020 Central Ave SE, ABQ
- Initial surveys conducted October 2021 with 17-20 citations.
- Took 8 months to achieve compliance.



# NMDOH Boarding Home 2022

- DHI surveyors received list of 99 potential Boarding Homes in New Mexico within Albuquerque (50), Anton Chico (4), Las Vegas (23), Ramah (1), Ribera (1), Rio Rancho (16), Romeroville (1), Santa Fe (2) and Serafina (1)
  - From April to June 2022: An onsite visit was conducted at each available address.
  - 72 addresses: no contact, no answer, gated, abandoned, could not find address, sold home, facility closed.
- Onsite visits to include observation and interview were conducted at 27 addresses
  - There were 217 residents
  - Rents ranged from \$650-\$800
  - No observed or reported abuse or neglect
  - All residents interviewed confirmed that they would have no where to go if home closed
  - Some services were provided in the homes by outside agencies
  - More than half of the homes visited were not interested in licensure.
  - Most of the homes would not meet environment/building requirements

# NMDOH Boarding Home 2023



- Potential unlicensed Boarding Homes are identified and assigned as a complaint for onsite investigation
- From April to July 2023: DHI surveyors conducted onsite investigations at (9) potentially unlicensed Boarding Homes based upon complaint assignment/Adult Protective Services referrals.

- No abuse or neglect observed or reported during visits
- Homes had environmental concerns ie. Bunk beds, need for building repairs but no funds

\*Actual photos taken during onsite visits

# Future of Boarding Homes in New Mexico

| Barriers                                                                                                                                                                                                                                                                                                                                                                                                           | Potential Solutions                                                                                                                                                                                                                                                                                                                                                     | Potential Unintended Consequences                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Limited options for discharge from hospital</p> <p>Most boarding home residents need a stable environment with mental health and substance use support. Boarding homes are a stepdown level of care from hospitals; however, there are only (3) licensed Boarding Homes in which patients receiving psychiatric inpatient services can be referred. Hospitals currently refer to unlicensed Boarding Homes.</p> | <p>Provide the Appropriate Level of Care for Residents</p> <p>Through licensure, regulatory oversight can ensure boarding home operators assume responsibility for residents who need personal care services and supervision, such as medication oversight, and ensure residents connect with supportive services in the surrounding community to meet their needs.</p> | <p>In order to afford these additional responsibilities, boarding homes would have to raise their rental rates which could create homelessness for those who could not afford the rate increase and continue to limit discharge options for hospitals.</p> |

# Future of Boarding Homes in New Mexico

| Barriers                                                                                                                                                                                                                                                                                                                                         | Potential Solutions                                                                                                                                                                                | Potential Advantages                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| <p><b>Complying with Regulations is Costly for Boarding Homes</b></p> <p>Operators do not qualify for any reimbursements, causing them to rely on residents' SSI as their primary source of income. The cost of meeting licensing requirements in addition to providing services to residents can be large expenses for operators to manage.</p> | <p><b>Incentivize Licensing through Funding for Boarding Homes</b></p> <p>Operators will be in compliance with state rules and regulations if there is funding available to help offset costs.</p> | <p>Operators will have revenue stream to support needed improvements and expansion of services.</p> |



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# Other State Regulations for Boarding Home Licensure

| State      | Link to Regulations                                                                                                                                                                                                                                                                                                            |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| California | <a href="http://www.cdss.ca.gov/ord/entres/getinfo/pdf/rcfeman1.pdf">http://www.cdss.ca.gov/ord/entres/getinfo/pdf/rcfeman1.pdf</a>                                                                                                                                                                                            |
| Kentucky   | <a href="http://chfs.ky.gov/dph/info/phps/boardinghome.html">http://chfs.ky.gov/dph/info/phps/boardinghome.html</a><br><a href="http://www.lrc.state.ky.us/kar/902/020/350.html">http://www.lrc.state.ky.us/kar/902/020/350.html</a>                                                                                           |
| Missouri   | <a href="http://health.mo.gov/seniors/nursinghomes/pdf/Chapter198.pdf">http://health.mo.gov/seniors/nursinghomes/pdf/Chapter198.pdf</a>                                                                                                                                                                                        |
| New Jersey | <a href="http://www.state.nj.us/dca/divisions/codes/codreg/currentadministrative_and_statutes.html">http://www.state.nj.us/dca/divisions/codes/codreg/currentadministrative_and_statutes.html</a>                                                                                                                              |
| New York   | <a href="https://aging.ny.gov/LivableNY/resourcemanual/housing/III1r.pdf">https://aging.ny.gov/LivableNY/resourcemanual/housing/III1r.pdf</a>                                                                                                                                                                                  |
| Texas      | <a href="http://www.statutes.legis.state.tx.us/Docs/HS/htm.HS.20.htm">http://www.statutes.legis.state.tx.us/Docs/HS/htm.HS.20.htm</a>                                                                                                                                                                                          |
| Washington | <a href="http://leg.wa.gov/codereviser/wacarchive/documents/2013/wac-388-78A-chapter.pdf">http://leg.wa.gov/codereviser/wacarchive/documents/2013/wac-388-78A-chapter.pdf</a><br><a href="https://www.doh.wa.gov/portals/1/documents/2300/alchecklist.pdf">https://www.doh.wa.gov/portals/1/documents/2300/alchecklist.pdf</a> |
| Wyoming    | <a href="https://health.wyo.gov/aging/hls/facility-types/boarding-home-facility-wyoming-licensure-informaiton/">https://health.wyo.gov/aging/hls/facility-types/boarding-home-facility-wyoming-licensure-informaiton/</a>                                                                                                      |



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# Questions?