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SENATE BILL 188

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO CHILDREN; REVISING DEFINITIONS IN THE PUBLIC HEALTH ACT TO INCLUDE CERTAIN RESIDENTIAL PLACEMENTS FOR CHILDREN; DECLARING AN EMERGENCY.

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

SECTION 1. Section 24-1-2 NMSA 1978 (being Laws 1973, Chapter 359, Section 2, as amended by Laws 2007, Chapter 325, Section 6 and by Laws 2007, Chapter 326, Section 1) is amended to read:

"24-1-2. DEFINITIONS.--As used in the Public Health Act:

A. "department" or "division" means:

(1) the children, youth and families

~~department [as to child care centers, residential treatment centers that serve persons up to twenty-one years of age, community mental health centers that serve only persons up to~~

.198948.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 ~~twenty-one years of age, day treatment centers that serve~~
2 ~~persons up to twenty-one years of age, shelter care homes and~~
3 ~~those outpatient facilities that are also community-based~~
4 ~~behavioral health facilities serving only persons up to twenty-~~
5 ~~one years of age and] or a division within that department when~~
6 ~~reference is made to:~~

7 (a) child care centers;

8 (b) residential treatment centers that
9 serve persons up to twenty-one years of age;

10 (c) community mental health centers that
11 serve only persons up to twenty-one years of age;

12 (d) day treatment centers that serve
13 persons up to twenty-one years of age;

14 (e) shelter care homes;

15 (f) those outpatient facilities that are
16 also community-based behavioral health facilities serving only
17 persons up to twenty-one years of age; and

18 (g) wilderness youth programs; or

19 (2) the department of health [as] or a
20 division within that department when reference is made to all
21 other health facilities, unless otherwise designated;

22 B. "director" means the secretary;

23 C. "person", when used without further
24 qualification, means an individual or any other form of entity
25 recognized by law;

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underscored material = new
~~[bracketed material] = delete~~

1 D. "health facility" means a public hospital,
2 profit or nonprofit private hospital, general or special
3 hospital, outpatient facility, maternity home or shelter, adult
4 daycare facility, nursing home, intermediate care facility,
5 boarding home not under the control of an institution of higher
6 learning, child care center, shelter care home, diagnostic and
7 treatment center, rehabilitation center, infirmary, community
8 mental health center that serves both children and adults or
9 adults only, residential treatment center that serves persons
10 up to twenty-one years of age, community mental health center
11 that serves only persons up to twenty-one years of age, ~~and~~
12 day treatment center that serves persons up to twenty-one years
13 of age, ~~or a~~ health service organization operating as a
14 freestanding hospice or a home health agency or a wilderness
15 youth program. The designation of these entities as health
16 facilities is only for the purposes of definition in the Public
17 Health Act and does not imply that a freestanding hospice or a
18 home health agency is considered a health facility for the
19 purposes of other provisions of state or federal laws. "Health
20 facility" also includes those facilities that, by federal
21 regulation, must be licensed by the state to obtain or maintain
22 full or partial, permanent or temporary federal funding. ~~It~~
23 "Health facility" does not include the offices and treatment
24 rooms of licensed private practitioners; ~~and~~

25 E. "secretary" means:

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underscored material = new
[bracketed material] = delete

1 (1) the secretary of children, youth and
2 families [~~as~~] when reference is made to child care centers,
3 residential treatment centers that serve persons up to twenty-
4 one years of age, community mental health centers that serve
5 only persons up to twenty-one years of age, day treatment
6 centers that serve persons up to twenty-one years of age,
7 shelter care homes, [~~and~~] those outpatient facilities that are
8 also community-based behavioral health facilities serving only
9 persons up to twenty-one years of age and wilderness youth
10 programs; or

11 (2) the secretary of health [~~as~~] when
12 reference is made to all other health facilities; and

13 F. "wilderness youth program":

14 (1) means a business or organization that
15 provides residence to and accepts custody, care or control,
16 including temporary guardianship, of a child for the purposes
17 of behavior modification, and that:

18 (a) charges a fee or accepts donations
19 or scholarships for its services;

20 (b) limits or censors communications
21 between a child and the child's parent or guardian; or

22 (c) restricts a child's ability to leave
23 the program by the child's choice; and

24 (2) does not include:

25 (a) seasonal programs with a primary

underscoring material = new
~~[bracketed material] = delete~~

1 purpose of recreation;

2 (b) programs that are approved by the
3 department and that have national accreditation that ensures
4 the health, safety or welfare of children;

5 (c) programs that are otherwise governed
6 by specific state law; or

7 (d) programs that are defined by the
8 constitution of New Mexico as state educational institutions."

9 SECTION 2. EMERGENCY.--It is necessary for the public
10 peace, health and safety that this act take effect immediately.