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FISCAL IMPACT REPORT

SPONSOR Ortiz y Pino ORIGINAL DATE 1/29/2017
 LAST UPDATED 2/15/17 HB _____

SHORT TITLE Behavioral Health Collaborative Membership SB 84/aSFL#1/ec

ANALYST Chenier

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$2.0	\$2.0	\$4.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Human Services Department (HSD)
 Children Youth and Families Department (CYFD)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of SFL Amendment #1

The Senate Floor amendment to Senate Bill 84 would, by adding a new paragraph to Section 9-7-6.4 NMSA 1978 and by making changes to Section 24-1-28 NMSA 1978, shift responsibility for appointing members of the behavioral health planning council from the governor to the interagency behavioral health purchasing collaborative.

Synopsis of Bill

Senate Bill 84 amends Section 9-7-6.4 NMSA 1978 to expand the membership of the Interagency Behavioral Health Purchasing Collaborative by adding representation from:

- (1) a nonprofit New Mexico behavioral health provider association;
- (2) a nonprofit, nonpartisan association of New Mexico municipalities, towns and villages;
and
- (3) a nonprofit, nonpartisan professional association of New Mexico county officials and employees.

The bill also amends the membership to allow state agencies to designate a representative other than their cabinet secretary or director.

Finally, the bill declares an emergency.

FISCAL IMPLICATIONS

HSD stated that including members who are not state employees may require a budget. The Collaborative meets four hours on a quarterly basis and members may also spend time reviewing materials ahead of meetings, especially when a vote is expected.

Mileage and per diem reimbursements are not expected to exceed \$2 thousand annually.

CYFD stated that as an alternating Co-Chair of the Collaborative, CYFD would share the responsibility for vetting and appointing members of the Behavioral Health Planning Council. This responsibility would require resources and time from CYFD staff.

SIGNIFICANT ISSUES

The Collaborative is chaired by the Cabinet Secretary of the Human Services Department with the respective Cabinet Secretaries of Department of Health and Children, Youth and Families Department alternating annually as co-chairs. State agency cabinet secretaries and directors work together to identify behavioral health needs, plan, design, and direct a statewide behavioral health system that ensures availability of services and efficient use of all behavioral health funding.

All of the current statutory members of the Collaborative may, under its by-laws, designate a proxy to represent them for single or multiple meetings and decisions of the Collaborative. SB 84 provides for designees, which could dilute the decision making capacity of the Collaborative to collaborate in policy and funding decisions.

Members of the Collaborative include Cabinet Secretaries, Directors and others representing the following agencies:

- Aging and Long-Term Services Department;
- Indian Affairs Department;
- Human Services Department;
- Department of Health;
- Corrections Department;
- Children, Youth and Families Department;
- Department of Finance and Administration;
- Workforce Solutions Department;
- Public Education Department;
- Department of Transportation;
- New Mexico Mortgage Finance Authority;
- Governor's Commission on Disability;
- Developmental Disabilities Planning Council;
- Health Policy Commission [no longer in existence]

- Instructional Support and Vocational Education Division, Public Education Department; and
- Governor’s Health Policy Advisor.

The Collaborative added as non-voting members:

- Administrative Office of the Courts;
- The Public Defender Office;
- New Mexico Higher Education Department;
- Veterans Services Department; and
- A representative of the Children’s Cabinet.

SB 84 proposes to add to the voting membership of the Collaborative

- A representative of a nonprofit, nonpartisan association of New Mexico municipalities, towns and villages;
- A representative of a nonprofit, nonpartisan professional association of New Mexico county officials and employees.
- A representative of a nonprofit New Mexico behavioral health provider association;

Representatives of the governmental or political subdivisions may bring valuable local perspective to the Collaborative and decision-making for the delivery of behavioral health services. However, it is possible that they also receive state general funds for those purposes, which may pose a conflict of interest.

There would be a conflict of interest if a private organization were to be represented on the Collaborative. Members of a provider association do receive state, as well as other governmental funds, for the provision of services. Additionally, the existing nonprofit New Mexico Behavioral Health Provider Association (NMBHPA) is an association of treatment providers. The NMBHPA does not include prevention providers and may not be open to certified peer support workers, community health workers, or other non-clinical providers.

Instead, it may be more appropriate to expand the membership of the state’s behavioral health advisory body, the Behavioral Health Planning Council, to include sufficient members to allow for provider association membership.

Adding a private organization of health providers to the voting agencies of the collaborative could be construed as an improper delegation of power as well as result in conflicts of interest, since the providers are recipients of Medicaid and other state funds.

The associations of political subdivisions could be included as non-voting members of the Collaborative.

EC/sb/al/jle