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HOUSE BILL 20

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Nate Gentry and Daniel A. Ivey-Soto and Mary Kay Papen

AN ACT

RELATING TO PUBLIC SAFETY; REQUIRING CORRECTIONAL FACILITIES TO IMPLEMENT AN INMATE RECIDIVISM REDUCTION TRANSITION PROGRAM TO PROVIDE UPON RELEASE CERTAIN INMATES WITH SUPPORTS AND SERVICES DESIGNED TO REDUCE RECIDIVISM.

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

SECTION 1. [NEW MATERIAL] RECIDIVISM REDUCTION TRANSITION PROGRAM.--

A. A correctional facility shall ensure that each inmate of that correctional facility who is incarcerated for at least one hundred days is screened for mental illness and substance use disorder within thirty days of incarceration in that facility.

B. A correctional facility shall ensure that each qualifying inmate participates in a "recidivism reduction

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1 transition program". Pursuant to a recidivism reduction
2 transition program, the correctional facility shall refer each
3 qualifying inmate upon release to case management, evidence-
4 based behavioral health services, employment services and
5 housing. The correctional facility shall assess what options
6 for payment are available for these services and housing and
7 assist the inmate, to the extent possible, in pairing these
8 services with available payment sources. The human services
9 department shall provide information and services to
10 correctional facilities seeking medicaid reimbursement for
11 recidivism reduction transition program services.

12 C. A correctional facility shall facilitate each
13 qualifying inmate's enrollment in medicaid in accordance with
14 the provisions of Section 27-2-12.22 NMSA 1978.

15 D. As used in this section:

16 (1) "behavioral health services" means a
17 comprehensive array of professional and ancillary services for
18 the treatment, habilitation, prevention and identification of
19 mental illnesses, behavioral symptoms associated with
20 developmental disabilities, substance abuse disorders and
21 trauma spectrum disorders;

22 (2) "case management" means services that
23 ensure that all of a patient's behavioral health services,
24 primary care and other health care and social service needs are
25 coordinated to maximize the patient's timely access to care and

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1 services to address the patient's health care and social
2 service needs:

3 (a) through care plan development,
4 communication and monitoring; and

5 (b) regardless of payer sources for the
6 patient's health care and social services;

7 (3) "correctional facility" means a:

8 (a) state correctional facility;

9 (b) privately operated correctional
10 facility;

11 (c) county jail;

12 (d) privately operated jail;

13 (e) detention facility that is operated
14 under the authority of the children, youth and families
15 department and that holds the individual pending a court
16 hearing; or

17 (f) facility that is operated under the
18 authority of the children, youth and families department and
19 that provides for the care and rehabilitation of an individual
20 who is under eighteen years of age and who has committed an act
21 that would be designated as a crime under the law if committed
22 by an individual who is eighteen years of age or older;

23 (4) "medicaid" means the joint federal-state
24 health coverage program pursuant to Title 19 or Title 21 of the
25 federal Social Security Act and rules promulgated pursuant to

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1 that act; and

2 (5) "qualifying inmate" means an inmate who
3 has been diagnosed as currently having a mental illness or a
4 substance use disorder, either through the screening provided
5 pursuant to the provisions of Subsection A of this section or
6 as evidenced in the inmate's medical record.