

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 227

3 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

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10 AN ACT

11 RELATING TO TAXATION; DISTRIBUTING A PORTION OF THE GROSS
12 RECEIPTS TAX TO SUPPORT A NEW SUBSTANCE USE DISORDER RESPONSE
13 FUND AND EACH COUNTY'S HEALTH CARE ASSISTANCE FUND; PROVIDING
14 FOR THE CREATION OF A SUBSTANCE USE DISORDER RESPONSE PLAN FOR
15 MEDICAL ASSISTANCE RECIPIENTS; MAKING AN APPROPRIATION.

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

18 SECTION 1. A new section of the Tax Administration Act is
19 enacted to read:

20 "[NEW MATERIAL] DISTRIBUTION--SUBSTANCE USE DISORDER
21 RESPONSE FUND--HEALTH CARE ASSISTANCE FUNDS.--

22 A. Beginning July 1, 2018 and prior to July 1,
23 2022, a distribution pursuant to Section 7-1-6.1 NMSA 1978
24 shall be made to the substance use disorder response fund in an
25 amount equal to fifty percent of the net receipts attributable

.210417.3

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1 to the gross receipts tax paid on the sale of services
2 performed by a licensed substance abuse associate that are
3 within the scope of practice of that licensed substance abuse
4 associate.

5 B. Beginning July 1, 2018 and prior to July 1,
6 2022, a distribution pursuant to Section 7-1-6.1 NMSA 1978
7 shall be made in an amount equal to fifty percent of the net
8 receipts attributable to the gross receipts tax paid on the
9 sale of services performed by a licensed substance abuse
10 associate that are within the scope of practice of that
11 licensed substance abuse associate, to be distributed in equal
12 parts to each health care assistance fund."

13 SECTION 2. A new section of the Public Assistance Act is
14 enacted to read:

15 "[NEW MATERIAL] SUBSTANCE USE DISORDER RESPONSE PLAN--
16 LICENSED SUBSTANCE ABUSE ASSISTANTS--REPORTING.--

17 A. The secretary, in cooperation with medical
18 assistance contractors, shall devise a substance use disorder
19 response plan that identifies policies for increasing the
20 supply of behavioral health workforce trained in substance use
21 disorder treatment statewide and for funding a robust response
22 statewide to the demand for timely, evidence-based substance
23 use disorder services for medical assistance recipients
24 statewide.

25 B. As part of the substance use disorder response

1 plan, the secretary shall adopt and promulgate rules to allow a
 2 substance abuse associate licensed in accordance with the
 3 Counseling and Therapy Practice Act to be reimbursed for the
 4 following services provided to medical assistance recipients:

5 (1) providing interventions directly to
 6 individuals, couples, families and groups;

7 (2) employing practice theory and research
 8 findings;

9 (3) providing screening, assessment,
 10 consultation, development of treatment plans, case management,
 11 counseling, referral, appraisal, crisis intervention,
 12 education, reporting or recordkeeping pertaining specifically
 13 to alcohol and drug abuse counseling;

14 (4) providing generalist services in the role
 15 of educator, assistant or mediator;

16 (5) taking a social history; and

17 (6) conducting a home study."

18 **SECTION 3.** Section 27-5-7 NMSA 1978 (being Laws 1965,
 19 Chapter 234, Section 7, as amended) is amended to read:

20 "27-5-7. HEALTH CARE ASSISTANCE FUND.--

21 A. There is created in the county treasury of each
 22 county a "health care assistance fund".

23 B. Collections under the levy made pursuant to the
 24 Indigent Hospital and County Health Care Act, distributions
 25 made to the fund in accordance with the provisions of

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1 Subsection B of Section 1 of this 2018 act and all payments
2 shall be placed into the fund, and the amount placed in the
3 fund shall be budgeted and expended only for the purposes
4 specified in the Indigent Hospital and County Health Care Act,
5 by warrant upon vouchers approved by the county. Payments for
6 indigent hospitalizations shall not be made from any other
7 county fund.

8 C. The fund shall be audited in the manner that
9 other state and county funds are audited, and all records of
10 payments and verified statements of qualification upon which
11 payments were made from the fund shall be open to the public.

12 D. Any balance remaining in the fund at the end of
13 the fiscal year shall carry over into the ensuing year, and
14 that balance shall be taken into consideration in the
15 determination of the ensuing year's budget and certification of
16 need for purposes of making a tax levy.

17 E. Money may be transferred to the fund from other
18 sources, but no transfers may be made from the fund for any
19 purpose other than those specified in the Indigent Hospital and
20 County Health Care Act."

21 SECTION 4. [NEW MATERIAL] SUBSTANCE USE DISORDER RESPONSE
22 FUND--CREATION--DISTRIBUTIONS--APPROPRIATION.--The "substance
23 use disorder response fund" is created in the state treasury.
24 The fund shall consist of distributions in accordance with the
25 provisions of Subsection A of Section 1 of this 2018 act;

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1 appropriations; transfers; gifts; grants; donations; and
 2 bequests made to the fund. Money in the fund is appropriated
 3 to the human services department to fund the substance use
 4 disorder response plan established pursuant to Section 2 of
 5 this 2018 act. Money in the fund shall be disbursed on
 6 warrants signed by the secretary of finance and administration
 7 pursuant to vouchers signed by the secretary of human services
 8 or the secretary's authorized representative. Money in the
 9 fund shall be invested as provided for other state funds, and
 10 income earned on the fund shall be credited to the fund. Any
 11 unexpended or unencumbered balance remaining at the end of a
 12 fiscal year shall not revert to the general fund.

13 SECTION 5. EFFECTIVE DATE.--The effective date of the
 14 provisions of this act is July 1, 2018.

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