

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 43

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Sheryl Williams Stapleton

AN ACT

RELATING TO HEALTH; AMENDING AND ENACTING SECTIONS OF THE HUMAN SERVICES DEPARTMENT ACT TO PROVIDE FOR INTERVENTIONS FOR INCARCERATED INDIVIDUALS WHO HAVE BEHAVIORAL HEALTH DIAGNOSES IN WAYS LIKELY TO REDUCE RECIDIVISM, DETENTION AND INCARCERATION; MAKING AN APPROPRIATION.

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

SECTION 1. Section 9-8-7.1 NMSA 1978 (being Laws 2007, Chapter 325, Section 4) is amended to read:

"9-8-7.1. BEHAVIORAL HEALTH SERVICES DIVISION--POWERS AND DUTIES OF THE HUMAN SERVICES DEPARTMENT.--Subject to appropriation, the department shall:

A. contract for behavioral health treatment and support services, including mental health, alcoholism and other substance abuse services;

.211078.5

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

underscored material = new  
[bracketed material] = delete

1           B. establish standards for the delivery of  
2 behavioral health services, including quality management and  
3 improvement, performance measures, accessibility and  
4 availability of services, utilization management, credentialing  
5 and recredentialing, rights and responsibilities of providers,  
6 preventive behavioral health services, clinical treatment and  
7 evaluation and the documentation and confidentiality of client  
8 records;

9           C. ensure that all behavioral health services,  
10 including mental health and substance abuse services, that are  
11 provided, contracted for or approved are in compliance with the  
12 requirements of Section 9-7-6.4 NMSA 1978;

13           D. assume responsibility for and implement adult  
14 mental health and substance abuse services in the state in  
15 coordination with the children, youth and families department;

16           E. create, implement and continually evaluate the  
17 effectiveness of a framework for targeted, individualized  
18 interventions for individuals who are incarcerated in a state,  
19 county or municipal correctional facility and adult and  
20 juvenile offenders who have behavioral health diagnoses, which  
21 framework shall address those persons' behavioral health needs  
22 while they are incarcerated and connect them to resources and  
23 services immediately upon release that reduce the likelihood of  
24 recidivism, detention and incarceration, such as supportive  
25 housing, public assistance, medical assistance, behavioral

.211078.5

underscored material = new  
[bracketed material] = delete

1 health treatment and employment training;

2           ~~[E-]~~ F. establish criteria for determining  
3 individual eligibility for behavioral health services; and

4           ~~[F-]~~ G. maintain a management information system in  
5 accordance with standards for reporting clinical and fiscal  
6 information."

7           **SECTION 2.** A new section of the Human Services Department  
8 Act is enacted to read:

9           "[NEW MATERIAL] INCARCERATED INDIVIDUALS--BEHAVIORAL  
10 HEALTH SERVICES--COUNTY FUNDING PROGRAM.--To carry out the  
11 provisions of Subsection E of Section 9-8-7.1 NMSA 1978 and to  
12 provide behavioral health services to individuals who are  
13 incarcerated in a county correctional facility:

14           A. the secretary shall adopt and promulgate rules:

15                   (1) pursuant to which a county may apply for  
16 and be awarded funding through the department; and

17                   (2) to establish priorities and guidelines for  
18 the award of funding to counties; and

19           B. the department shall distribute funds, as  
20 funding permits, to the county health care assistance funds of  
21 those counties:

22                   (1) that apply for behavioral health services  
23 funding in accordance with department rules; and

24                   (2) whose proposed utilization of funding  
25 pursuant to this section meets the priorities and guidelines

.211078.5

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

1 for the awarding of behavioral health services funding  
2 established in department rules."

3 SECTION 3. APPROPRIATION.--One million five hundred  
4 thousand dollars (\$1,500,000) is appropriated from the general  
5 fund to the human services department for expenditure in fiscal  
6 year 2020 to fund awards to counties that apply for behavioral  
7 health services funding to serve individuals incarcerated in  
8 county facilities in accordance with the provisions of  
9 Subsection E of Section 9-8-7.1 NMSA 1978 and Section 2 of this  
10 act. Any unexpended or unencumbered balance remaining at the  
11 end of fiscal year 2020 shall revert to the general fund.