

LFC Requester:**Scott Sanchez****AGENCY BILL ANALYSIS - 2025 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov****(Analysis must be uploaded as a PDF)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** 1/29/25*Check all that apply:***Bill Number:** SB166Original Correction Amendment Substitute **Sponsor:** Sen Maestas**Agency Name****and Code** HCA-630**Number:****Short** Harm to Self, Harm to Others**Person Writing** Alicia.Salazar**Title:****Phone:** 505-795-3920 **Email** Alicia**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	NA	NA

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	TBD	TBD	TBD	TBD	TBD	TBD

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Not known
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 166 (SB166) is an act related to commitment procedures providing the definition of “harm to self” and “harm to others” in the mental health and developmental disabilities code and the assisted outpatient treatment act.

FISCAL IMPLICATIONS

There is no funding allocated in SB166. These definitions may require the Health Care Authority Behavioral Health Services Division (BHSD) and Division of Health Improvement (DHI) to update New Mexico Administrative Code at 8.321.2 and 8.321.1 to align with the new definitions. The changes could also result cause an increase in requests for assertive community treatment and assisted outpatient treatment. The HCA is unable to quantify the potential fiscal impact resulting from additional service provision at this time.

SIGNIFICANT ISSUES

Page 1 of the bill references the “Mental Health and developmental disabilities code” and the “assisted outpatient treatment act”, which the HCA does not oversee.

HCA DHI and BHSD do not include the definition of “harm to self” or “harm to others” in NMAC 8.321.2 or 8.321.1 and may need to add the new definitions to these sections of the administrative code if SB166 is enacted.

Page 3, letter E, the term “convulsive treatment” combines Electroconvulsive treatment (ECT,) which has been updated to include vagal nerve stimulation and trans magnetic stimulation which causes confusion. [Clinical Practice Guidelines for the Use of Electroconvulsive Therapy - PMC](#) These should be included in the definition of ECT. Insulin coma treatment is not an evidence-based ECT treatment <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8886299>.

Page 5 letter N “reasonable probability that the conduct will be repeated” is not defined. Clinicians provide clinical reasoning and opinions that are not predictive in nature.

Page 3 letter G HCA DHI (and not BHSD) licenses crisis triage centers.

PERFORMANCE IMPLICATIONS

HCA BHSD would need to collaborate with the Department of Health as that agency oversees the New Mexico Behavioral Health Institute, which is the “evaluation facility” listed on page 3.

ADMINISTRATIVE IMPLICATIONS

See Performance Issues and Significant Issues.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None known.

TECHNICAL ISSUES

Page 3 letter H “the department” or “division that oversees Crisis Triage Centers is the Health Care Authority’s Division of Health Improvement (DHI), not the Behavioral Health Services Division. This should be corrected.

Page 6 letter P “Mental disorder” may need clarification.

Page 6 letter R refers to a physician being the one to make a decision for commitment. Psychologists should be added.

Page 8 letter U should include Licensed Alcohol and Drug Abuse Counselor (LADAC) as this licensure is considered an independent license to work with individuals with substance use disorders [16.27.11 NMAC](#).

Page 8 U “Independent licensed social worker” should be changed to “Licensed Clinical Social worker.”

OTHER SUBSTANTIVE ISSUES

None for the HCA.

ALTERNATIVES

None suggested

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

None