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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/27/09

SPONSOR Salazar LAST UPDATED \_\_\_\_\_ HB 839

SHORT TITLE Resident or Care Provider In-Home Abuse SB \_\_\_\_\_

ANALYST Earnest

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	None		

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$.01*	\$.01*		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

\*See Fiscal Implications Section

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Human Services Department  
 Aging and Long Term Services Department  
 Administrative Office of the Courts  
 Department of Health

### SUMMARY

#### Synopsis of Bill

House Bill 839 amends the Resident Abuse and Neglect Act to include in the definition of “care facility” “a resident’s or care provider’s home in which personal care, sheltered care or nursing care is provided.”

## **FISCAL IMPLICATIONS**

No significant fiscal implications identified. The AOC estimates some administrative costs for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

## **SIGNIFICANT ISSUES**

By including a resident's home or in a care provider's home in the definition of a "care facility," HB839 would permit the imposition of criminal penalties for abuses of a resident either in the resident's home or in the provider's home.

According to ALTSD:

This bill would specifically allow for criminal prosecution of abuse, neglect, and exploitation in the private homes of residents or providers even where there is no payment for care. It would specifically clarify that prosecutors may use the Resident Abuse and Neglect Act to proceed with more prosecutions in private residences if there is just cause to do so.

The proposed legislation will allow for prosecutions for acts of abuse committed in a resident's home in which personal care, sheltered care or nursing care is provided.

The bill will clarify that prosecutions may proceed against persons and other providers who provide care in private residences, whether for pay or not. Although "private residence that provides personal care" is already included in the definition of care facility under the Act, prosecutors have not routinely used that to prosecute unpaid caregivers in a private residence

DOH states the bill may be unnecessary "because the act already includes within the definition of a "care facility" a "private residence that provides personal care, sheltered care or nursing care for one or more persons" (Page 2, Lines 20-22)."

BE/mt