

AN ACT

RELATING TO MENTAL HEALTH; CREATING COMMUNITY ENGAGEMENT TEAMS TO ENGAGE AND ASSIST PERSONS UNLIKELY TO LIVE SAFELY IN THE COMMUNITY BUT WHO DO NOT IMMEDIATELY REQUIRE INPATIENT OR EMERGENCY CARE; MAKING THE DEPARTMENT OF HEALTH RESPONSIBLE FOR OVERSIGHT OF COMMUNITY ENGAGEMENT TEAMS; REQUIRING THE DEPARTMENT TO ESTABLISH A COMMUNITY ENGAGEMENT TEAM PILOT PROJECT.

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

SECTION 1. SHORT TITLE.--This act may be cited as the "Community Engagement Team Act".

SECTION 2. PURPOSE.--The purpose of the Community Engagement Team Act is to:

A. utilize community outreach to engage and link a person with serious mental illness who is unlikely to live safely in the community to voluntary treatment and other services;

B. reduce the rate of intervention by law enforcement, involuntary hospitalization or incarceration through early outreach to prevent or lessen the mental deterioration of persons with serious mental illness who are unlikely to live safely in the community; and

C. lessen the duration and severity of mental illness of persons with serious mental illness who are

unlikely to live safely in the community through early detection and targeted intervention.

SECTION 3. DEFINITIONS.--As used in the Community Engagement Team Act:

A. "case manager" means a person with specific skills, training and knowledge in mental health who manages and coordinates mental health resources and services;

B. "collaborative" means the interagency behavioral health purchasing collaborative;

C. "community engagement team" means a group whose members assist in the engagement of persons who have a mental disorder or illness and who, based upon a clinical determination, without treatment are unlikely to live safely in the community without support, but who do not immediately require inpatient or emergency care;

D. "department" means the department of health;

E. "mental disorder or illness" means a substantial disorder of a person's emotional processes, thought or cognition that grossly impairs judgment, behavior or capacity to recognize reality, but does not mean developmental disability;

F. "performance improvement" means a process designed to achieve significant improvement over a sustained period of time through ongoing measurement and analysis;

G. "qualified mental health professional licensed

for independent practice" means a physician, psychologist, independent social worker, licensed professional clinical mental health counselor, marriage and family therapist, certified nurse practitioner or clinical nurse specialist with a specialty in mental health, who by training and experience is qualified to work with persons with a mental disorder or illness;

H. "treatment" means any effort to accomplish a significant change in the mental or emotional condition or behavior of a person with a mental disorder or illness; and

I. "unlikely to live safely in the community" means that there is a substantial probability that, if left untreated, a person will suffer mental distress and experience deterioration of the ability to function independently and to consistently maintain the person's health, safety or welfare without support and mental health services, as evidenced by a pattern of behavior showing an inability to refrain from behavior that threatens or endangers the person or others.

SECTION 4. COMMUNITY ENGAGEMENT TEAM CREATED.--

A. A community engagement team shall work with persons with a mental health or co-occurring disorder and shall not work with persons whose sole diagnosis is a developmental disability, intellectual disability or brain injury.

B. A community engagement team may be a public or

private entity or a public-private partnership.

C. A community engagement team shall have at least one member who is a physician or other qualified mental health professional licensed for independent practice and may include members who are case managers, community support workers or core service workers acting under the supervision of a qualified mental health professional licensed for independent practice.

D. In the absence of good cause given to the department, a community engagement team shall have at least one peer who lives with a mental illness as a member of the team.

E. A community engagement team is not intended to be a treatment provider and is intended to function as a link to services.

SECTION 5. ACTIVITIES OF A COMMUNITY ENGAGEMENT TEAM.--

A community engagement team shall:

A. determine eligibility for its services;

B. make reasonable efforts to engage a person who is unlikely to live safely in the community to voluntarily consent to assessment for treatment or other services;

C. assist a person who is unlikely to live safely in the community to access appropriate services and support to enable such person to continue to live in the community, including providing links to resources for housing, food,

transportation, mental health or other health treatment; and

D. strive to provide culturally appropriate services to the persons it serves.

SECTION 6. DEPARTMENT RESPONSIBILITIES.--

A. The department shall authorize the formation of community engagement teams to work with persons who are unlikely to live safely in the community.

B. The department shall:

(1) be responsible for oversight of community engagement teams;

(2) report annually on the community engagement teams operating throughout the state under its supervision to the legislative health and human services committee, to the legislative finance committee and to the appropriate interim committee that studies courts and corrections;

(3) make information regarding community engagement teams, including a current directory of community engagement teams throughout the state, available to the public online; and

(4) promulgate rules necessary or appropriate to implement the provisions of this section.

SECTION 7. CONFIDENTIALITY.--A community engagement team established pursuant to the Community Engagement Team Act and pursuant to rules promulgated by the department shall be

considered a provider of services consistent with federal and state confidentiality laws.

SECTION 8. COMMUNITY ENGAGEMENT TEAM PILOT PROJECT.--

A. By July 1, 2013, the department shall establish a five-year community engagement team pilot project.

B. The department may contract with community engagement team entities that are public, private or public-private partnerships.

C. Community engagement teams participating in the pilot project may be funded in whole or in part from sources other than the state.

D. The department shall incorporate telehealth into the pilot project, including:

(1) the establishment of a twenty-four-hour hotline for community engagement team members to consult with a mental health professional;

(2) the use of distance technology and the internet to leverage scarce health care resources in the area of behavioral health; and

(3) the use of teleconferencing to train rural providers to integrate best practice screening and treatment protocols.

E. The department, in consultation with the collaborative, shall adopt standards for the pilot project community engagement teams, and each community engagement team

shall be contractually required to meet such standards.

F. The department shall adopt metrics, after consultation with the performance improvement committee, to evaluate the effectiveness of community engagement teams participating in the pilot project and shall require community engagement teams to report such data as are necessary to measure the effectiveness of community engagement teams in reducing involuntary admissions for evaluation or treatment, intervention by law enforcement and detention in correctional facilities.

G. The department shall report annually on the community engagement team pilot project to the legislative health and human services committee, the legislative finance committee and the appropriate interim legislative committee that studies courts and corrections.

H. From July 1, 2013 through June 30, 2014:

(1) the department and the collaborative shall meet and confer with parties interested in participating in the pilot project;

(2) in consultation with the collaborative, the department shall develop standards for community engagement teams;

(3) the department shall develop plans and a budget for the implementation of the pilot project; and

(4) the department shall select sites for

the pilot project.

I. Within thirty days of the effective date of the Community Engagement Team Act, the department shall convene a performance improvement committee facilitated by a not-for-profit health care organization that leads the aligning forces for quality initiative in New Mexico to ensure a thorough and unbiased evaluation of the pilot project established under the Community Engagement Team Act.

J. The committee shall include a representative from each of the following:

- (1) the administrative office of the courts;
- (2) the New Mexico state police division of the department of public safety;
- (3) the department; and
- (4) the collaborative.

K. The performance improvement committee shall:

- (1) develop recommended criteria for data collection and pilot project evaluation;
- (2) report on its activities and recommendations to the legislative health and human services committee, the legislative finance committee and the appropriate interim legislative committee that studies courts and corrections by October 31, 2014; and
- (3) meet as often as necessary to analyze data, monitor and produce an annual report on the pilot

project by October 31 of each year beginning in 2015.

L. By July 1, 2014, the department shall commence the pilot project.

SECTION 9. DELAYED REPEAL.--Effective July 1, 2019, the Community Engagement Team Act is repealed.=====

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