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FISCAL IMPACT REPORT

ORIGINAL DATE 03/13/13

SPONSOR Papen LAST UPDATED _____ HB _____

SHORT TITLE Treatment Guardian Provisions Working Group SM 102

ANALYST Esquibel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

Relates to SM94, Guardian and Conservator Working Group
 Duplicates SJM58, Treatment Guardian Provisions Working Group

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

SUMMARY

Synopsis of Bill

Senate Memorial 102 (SM 102) resolves the Office of Guardianship of the Developmental Disabilities Planning Council convene a work group facilitated by a nonprofit health care organization that leads the aligning forces for quality initiative in Albuquerque to recommend specific legislative changes to the Mental Health and Developmental Disabilities Code regarding treatment guardianship.

The work group is to take into account specific sections of the HM 45 report from December 2012, and is to report its legislative recommendation to the interim Legislative Health and Human Services Committee and the Courts and Corrections Committee by October 30, 2013.

The work group is to be comprised of representatives from the Attorney General's Office, the Administrative Office of the Courts, the Administrative Office of the District Attorneys, the Public Defender Department, the Office of Guardianship of the Developmental Disabilities Planning Council, the Department of Health, the National Alliance on Mental Illness-New Mexico, and an individual who is living with mental illness and is a member of the Behavioral

Health Planning Council.

Copies of the memorial are to be transmitted to the secretary of health, the chief public defender, the director of the Administrative Office of the Courts, the director of the Administrative Office of the District Attorneys, the executive director of the New Mexico Association of Counties, the secretary of the Department of Public Safety, the secretary of the Aging and Long-Term Services Department, the manager of the Office of Guardianship of the Developmental Disabilities Planning Council, and the co-chairs of the New Mexico Supreme Court Commission on Access to Justice.

FISCAL IMPLICATIONS

SM 102 contains no appropriation.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SM 102 relates to HB 588 which proposes to amend and create new sections of the Mental Health and Developmental Disabilities Code including a new section allowing for the creation of community engagement teams.

TECHNICAL ISSUES

The Department of Health (DOH) indicates SM 102 does not include the state mental health authority, the Behavioral Health Services Division of the Human Services Department (HSD), and the memorial relates to issues that impact individuals with mental illness. Also, the HSD was the lead on HM 45.

SM 102 does not have an option to include other stakeholders that may be identified at a later date. The Aging and Long-Term Services Department and Disability Rights New Mexico were included on the HM 45 task force but are not named in SM 102, nor is the Association of Counties.

RAE/blm